

7 NOVEMBER 1946

I N D E X  
Of  
WITNESSES  
(none)

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1339A(3)	1046		Telegram from MATSUOKA to SHIGEMITSU dated 18 February 1941		9811
1339A(8)	1047		Letter dated 21 February 1941 Craigie to MATSUOKA		9816
1592A	1048		Telegram from SHIGEMITSU to Foreign Minister MATSUOKA dated 24 February 1941		9818
702A	1049		Interchange of communications between the Japanese Foreign Office and the British re mutual relations, dated 24 February 1941		9821
1592B	1050		Telegram No. 4840 dated 25 February 1941 from OSHIMA to MATSUOKA		9826
1592C	1051		Telegram No. 4956 dated 25 February 1941 from SHIGEMITSU in London to MATSUOKA		9828

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220 C(12)	1052		Excerpt from a telegram from Mr. Grew to Secretary of State dated 27 February 1941		9833
1339A(7)	1053		Japan's Proposal by SHIGEMITSU to Churchill dated 27 February 1941		9835
1593-A	1054		Telegram No. 6915 dated 4 March 1941 from MATSUOKA to NOMURA the Ambassador in Washington		9838
2530A	1055		Newspaper announcement re the New Mobilization Law dated 8 March 1941		9841
220 C(20)	1056		Excerpt from a memorandum of Secretary of State Hull dated 8 March 1941		9843
220 C(22)	1057		Excerpts from a Memorandum of the Secretary of State dated 14 March 1941		9847
1632W(48)	1058		Excerpt from Marquis KIDO's Diary dated 3 April 1941		9850
220 C(23)	1059		Proposal presented by the Department of State in Japan at a meeting of Private Japanese and American individuals on 9 April 1941		9851
220 C(24)	1060		Excerpt from memorandum from Secretary of State Hull dated 14 April 1941		9863

# I N D E X

of

## EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
220 C(25)	1061		Excerpt of Secretary of State Hull dated 16 April 1941		9866
1339A(9)	1062		Letter from Churchill to MATSUOKA dated 12 April 1941 handed to MATSUOKA at Moscow		9868
1339A(10)	1063		Telegram from MATSUOKA to Churchill dated 22 April 1941		9871
219P(73)	1064		Excerpt from Statement by Ambassador Grew to Acting Foreign Minister KONOYE, Tokyo, dated 4 April 1941		9873
1632V(49)	1065		Entry in KIDO's Diary dated 19 April 1941		9875
1632V(50)	1066		Entry in KIDO's Diary dated 28 April 1941		9876
2529A	1067		Offer of the Japanese Policy to Increase the Population to 100,000,000 by 1945		9878
4059A	1068		Telegram from Ott to Ribbentrop dated 6 May 1941		9883
219P(74)	1069		Excerpt from Communication of Ambassador Grew to MATSUOKA dated 6 May 1941		9890
220 C(26)	1070		Draft Proposal handed by the Japanese Ambassador NOMURA to the Secretary of State dated 12 May 1941		9891



## I N D E X

Of

## EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
220 C(27)	1071		Draft Suggestion from the Secretary of State to the Japanese Ambassador on 16 May 1941		9904
219P(75)	1072		Excerpt from Statement of Mr. Grew to MATSUOKA dated 17 May 1941		9908
4060A	1073		Telegram from Ott to Ribbentrop dated 18 May 1941		9909
220 C(18)	1074		Excerpt from a Summary of Conversations between U. S. and Japan in 1941		9914
1383B(18)	1075		Telegram from OSHIMA to MATSUOKA dated 20 May 1941		9918
1383B(20)	1076		Telegram from OSHIMA to Foreign Minister MATSUOKA dated 21 May 1941		9933
220 C(28)	1077		Excerpt from Memorandum of Conversation between Ambassador Morris and the Secretary of State dated 28 May 1941		9934
220 C(29)	1078		American Draft of Proposal dated 31 May 1941 handed to Ambassador OSHIMA		9937
220 C(30)	1079		American Statement handed to Ambassador NOMURA dated 31 May 1941		9947

# I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
220 C(31)	1080		Informal Oral Statement to NOMURA by Secretary of State dated 31 May 1941		9960
220 C(32)	1081		Excerpt from Memorandum of Secretary of State Hull dated 2 June 1941		9961
219P(76)	1082		Excerpt from Statement from Mr. Grew to MATSUOKA dated 4 June 1941		9963
220 C(33)	1083		Excerpt from Memorandum of Conversation between Secretary of State and Japanese Ambassador dated 4 June 1941		9964
1632W(51)	1084		Entry in KIDO's Diary of 6 June 1941		9979
220 C(34)	1085		Informal Statement handed by Secretary of State Hull to NOMURA 6 June 1941		9982

Thursday, 7 November, 1946

- - -

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

- - -

Appearances:

For the Tribunal, same as before with the  
exception of the HONORABLE R. B. PAL, Member from  
India, not sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese  
to English Interpretation was made by the  
Language Section, IMTPE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: All the accused are present  
4 except OKAWA, HIRANUMA, and MATSUI, who are repre-  
5 sented by their respective counsel. We have cer-  
6 tificates from the prison surgeon at Sugamo certify-  
7 ing that MATSUI and HIRANUMA are unable to attend  
8 the trial today on account of illness. The certifi-  
9 cate will be recorded and filed.

10 Major Moore.

11 LANGUAGE ARBITER (Major Moore): If the  
12 Tribunal please, referring to document No. 1444,  
13 exhibit No. 919, page 1, the recprd page 9261, line  
14 15, we recommend that the words, "Liaisen Conference  
15 Decision Plan," be corrected to read, "Liaison  
16 Conference Decision, Draft."

17 THE PRESIDENT: The correction will be made.

18 Mr. Higgins.

19 MR. HIGGINS: If the Tribunal please, we offer  
20 in evidence I. P. S. document No. 1339A(3), which is  
21 a telegram dated February 18, 1941, from MATSUOKA to  
22 SHIGEMITSU.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document  
25 No. 1339A(3) will receive exhibit No. 1046.

1 (Whereupon, the document above  
2 referred to was marked prosecution's exhibit  
3 No. 1046 and received in evidence.)

4 MR. HIGGINS: I read prosecution's exhibit  
5 No. 1046:

6 "CABLE #51 DESPATCHED 8:00 P.M. FEB. 18,  
7 1941, BY FOREIGN MINISTER MATSUOKA TO AMBASSADOR  
8 SHIGEMITSU ON INTERVIEW BETWEEN FOREIGN MINISTER AND  
9 CRAIGIE REGARDING CABLE #47.

10 "Craigie, on the 15th, called upon me with  
11 a note containing the purport of your cable No. 78  
12 and a summary of the discussions between you and Eden.  
13 I told Craigie on this occasion that I had already re-  
14 ceived from you a detailed report concerning this  
15 question, and that in response thereto I had requested  
16 you to lay my note before Foreign Secretary Eden and  
17 handed him a copy of my cable #47. I then pointed  
18 out to Craigie that there seemed to be an over-anxiety  
19 on the part of Britain about the orientation of Japan's  
20 policy, that various reports were reaching us that  
21 Britain and the United States had taken up a combined  
22 action against Japan, that this was inciting Japan's  
23 public opinion, causing doubt and fear and giving  
24 rise to the arguments in some quarters that Japan  
25 must take some counter-measures to meet this situa-

1 tion, and this would lead to misunderstanding on both  
2 sides. I further told Craigie that so long as they  
3 refrained from taking any such provocative attitude  
4 against us we would under no circumstances initiate  
5 action that would lead to anxiety on the part of  
6 Britain and the United States, that misunderstandings  
7 by either party are the most dangerous factors, and  
8 that we wished to do everything possible to eliminate  
9 them, and urged that England reconsider. I also ex-  
10 plained to him that the major object of the Tripartite  
11 Pact was the limitation of the warfare in Europe and  
12 encouragement of a peaceful settlement. Also under  
13 strict secrecy I made it clear to him that, at the  
14 moment of signing of the pact Germany had stressed  
15 her desire to avoid provoking the United States and  
16 especially to avert Japanese-American hostilities as  
17 far as possible. Negotiations for the pact were car-  
18 ried out on the basis of the above. I told him that  
19 I myself did not doubt Germany's real intention that  
20 the above seemed to me to be consistent with her real  
21 interest, but that Japan's policy also was based on  
22 this, and that she would continue to act along this  
23 course.

24 "Craigie then, in response, questioned  
25 whether I could check the so-called southward march



1 of Japan, views on which were so active at the mo-  
2 ment in Japan. Further, Craigie raised a query as  
3 to whether Japan did not expect exorbitant compensa-  
4 tion for her role as a mediator of the Siam-French  
5 Indo-China conflict. I assured him as to Japan's  
6 southward advance that I would try to check it to  
7 the best of my ability, but as for the Siam-French  
8 Indo-China affairs I preferred to indicate Japan's  
9 real intentions by actual fact rather than by making  
10 excuses in words, and further, that as far as I my-  
11 self was concerned, the greatest reward was the re-  
12 storation of peace, with which I would be satisfied.  
13 I told him I believed that this was the first step  
14 toward realizing world peace which was Japan's ideal  
15 since the beginning of the nation; and I explained to  
16 him in detail Japan's policy. I added that since  
17 there exists a close intimacy between the Foreign  
18 Secretary and myself since our days in Geneva I had  
19 expressed my views outspokenly in my memorandum ad-  
20 dressed to him, but in regard to that part which con-  
21 cerns arbitration for European peace, this had nothing  
22 to do with Germany and Italy, and that I had merely  
23 stated the belief which I've always held. The con-  
24 versation between Craigie and myself lasted for about  
25 two hours, and he seemed quite relieved when he left.

"Wired to U.S.A."



1 We now offer in evidence I. P. S. document  
2 No. 1339A(8), which is a letter from Craigie to  
3 Foreign Minister dated February 21, 1941.

4 THE PRESIDENT: Admitted on the usual terms.

5 MR. LOGAN: If the Tribunal please, this  
6 communication refers to an alleged misquotation in  
7 the Japanese press. The document to which it refers  
8 is a communique issued by the Thai Government on the  
9 13th of February, 1941. This alleged mistake in the  
10 Japanese press certainly can have no probative value  
11 with respect to the charges in the Indictment, and  
12 no accusation that any of these accused were re-  
13 sponsible for the appearance in the Japanese press  
14 of their interpretation of that document.

15 THE PRESIDENT: I notice it is regarded as  
16 a deliberate misquotation.

17 MR. HIGGINS: Yes.

18 THE PRESIDENT: It is not an ordinary mis-  
19 apprehension or mistake.

20 Major Furness.

21 MR. FURNESS: If the Court please, referring  
22 to exhibit 1046, there was a reference to the hand-  
23 ing to Craigie of MATSUOKA's cable No. 47. This  
24 same cable is referred to in exhibit 1041, a telegram  
25 from Foreign Minister MATSUOKA to Ambassador

1 SHIGEMITSU. I would like to ask whether that tele-  
2 gram No. 47 is in any of the papers which have been  
3 introduced into evidence.

4 THE PRESIDENT: You should know, Mr. Furness.

5 MR. FURNESS: What is that?

6 THE PRESIDENT: You should know, and so should  
7 I. I do not recollect it. I think 49 is in.

8 MR. FURNESS: I know no particular paper  
9 which is referred to as telegram 47. I thought,  
10 though, that some of the other messages which haven't  
11 any telegram number, might be that particular document;  
12 and if so, I would like to know which document, and  
13 I should think it would help the Tribunal since they  
14 would know what the two men were talking about in  
15 their conversation.

16 THE PRESIDENT: Well, now, you should not  
17 interpose to ask whether a document is in. You  
18 should know, and the Tribunal can be left to say  
19 whether they want to see a document or not. Is the  
20 document in, Mr. Higgins? I do not recollect it.  
21 I recollect 49.

22 MR. HIGGINS: Mr. Hardin says he is not  
23 certain. It is his impression that 47 is in. He  
24 may have it confused with 49. That will be checked  
25 and reported.

CLERK OF THE COURT: Prosecution's document  
No. 1339A(8) will receive exhibit No. 1047.

(Whereupon, the document above  
referred to was marked prosecution's exhibit  
No. 1047 and received in evidence.)

MR. HIGGINS: I read prosecution's exhibit  
No. 1047.

THE PRESIDENT: I should expressly state  
that the objection to the last document tendered  
on the ground that it has no probative value is over-  
ruled for the reason I gave, that it imports some-  
thing sinister.

MR. HIGGINS: I read prosecution's exhibit  
No. 1047:

"BRITISH EMBASSY.

"TOKYO

"21st February, 1941

"My dear Minister,

"With reference to our conversation of yester-  
day in regard to the presence of British troops near  
the Malayan-Thai frontier, I send you the text of a  
reassuring communique issued by the Thai Government  
of the 13th instant. You will see from this that  
that Government is not in any way apprehensive in  
regard to the precautionary measures taken in Malay.

1 "I am sorry to say that this communique was  
2 distorted when published in the Japanese press. In-  
3 stead of the words 'both countries still respect the  
4 Treaty and pact on non-aggression concluded between  
5 one another', the version given in the Japanese press  
6 states 'Great Britain should respect the Non-Agression  
7 Treaty which she concluded with Thailand'. This can  
8 only have been a deliberate misquotation, which I  
9 am sure you will agree is very regrettable in present  
10 circumstances.

11 "Believe me

12 "my dear Minister,

13 "Yours very sincerely,

14  
15 "(Sd) R. H. Craigie."  
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1           We have a series of I. P. S. documents  
2 numbered 1592A, B and C, taken from the Japanese  
3 foreign office and separately authenticated.

4           We now wish to offer in evidence I. P. S.  
5 document No. 1592A, which is a telegram No. 4808,  
6 dated February 24, 1941, from SHIGEMITSU to MATSUOKA.

7           THE PRESIDENT: Admitted on the usual terms.

8           CLERK OF THE COURT: Prosecution's document  
9 No. 1592A will receive exhibit No. 1048.

10           (Whereupon, the document above  
11 referred to was marked prosecution's ex-  
12 hibit No. 1048 and received in evidence.)

13           MR. HIGGINS: I read prosecution's exhibit  
14 No. 1048:

15           "Copy of telegram No. 4808.

16           "Nature of telegram: Code

17           "Date: Dispatched: 24 February, Showa,  
18 16/1941/PM . Received: 25 February, Showa 16/1941/PM.

19           "TO: FOREIGN MINISTER MATSUOKA.

20           "FROM: SHIGEMITSU, JAPANESE AMBASSADOR IN  
21 LONDON.

22           "No. 135.

23           "At the request of Premier Churchill, I  
24 had a talk with him for about an hour at noon on  
25 the 24th. At that time the Premier spoke in

1 connection with the matter of Anglo-Japanese relations  
2 with which he had been personally concerned. He  
3 went into detail in speaking of the situations from  
4 the time of the conclusion of the Anglo-Japanese  
5 Alliance through the Russo-Japanese War and up to  
6 the World War and he expressed how much he desired  
7 to keep a friendly relationship with Japan."

8 THE PRESIDENT: "He went into detail."

9 MR. HIGGINS (Reading continued): "Then,  
10 as the second point, he expressed deep regret re-  
11 garding the present Anglo-Japanese relation which  
12 is gradually getting worse; if a clash should occur  
13 between the two nations it would indeed be a tragedy.  
14 He emphasized that the defense works undertaken in  
15 the area with Singapore as its center were merely  
16 for the protection and control of the area and that  
17 Britain had never taken any policy such as to resort  
18 to an offensive against Japan. As the third point,  
19 he emphasized that the British had a firm resolu-  
20 tion for the prosecution of the war. He went so far  
21 as to say that if what Britain believes to be  
22 justice should fail to gain the victory, Britain  
23 had better go to ruin. He said he had been thinking  
24 that this was not at all an easy war as people in  
25 general thought and that it would by no means come



1 to an end this year. He, however, believes that the  
2 war will certainly be brought to an end with victory  
3 on the part of Britain. Therefore, he said that the  
4 question of mediation which Mr. MATSUOKA mentioned  
5 would not arise. In connection with the cordial  
6 message which Foreign Minister MATSUOKA sent to  
7 British Foreign Minister Eden, Premier Churchill  
8 has given me the note of another telegram No. 136,  
9 asking me to tell you that since Eden is away he  
10 himself has written you the outline of the talk we  
11 had today. The questions and answers in the talk  
12 will be sent afterwards by cable.

13 "THIS TELEGRAM ALONE HAS BEEN SENT TO THE  
14 UNITED STATES."  
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1 MR. HIGGINS: We offer in evidence I. P. S.  
2 document No. 702A, a document taken from the  
3 Japanese Foreign Office duly authenticated. It  
4 is an interchange of communications between the  
5 Japanese Foreign Office and the British on mutual  
6 relations and it is dated February 24, 1941.

7 THE PRESIDENT: Admitted on the usual  
8 terms

9 CLERK OF THE COURT: Prosecution's document  
10 No. 702A will receive exhibit No. 1049.

11 (Whereupon, the document above  
12 referred to was marked prosecution's exhibit  
13 No. 1049 and received in evidence.)

14 MR. HIGGINS: I read prosecution's exhibit  
15 No. 1049:

16 "INTERCHANGE BETWEEN JAPANESE FOREIGN  
17 OFFICE AND BRITISH ON MUTUAL RELATIONSHIPS.

18 "Note from Japanese Minister for Foreign  
19 Affairs containing message to his Britannic Majesty's  
20 Secretary of State for Foreign Affairs has been  
21 laid before Prime Minister.

22 "Prime Minister is gratified to observe  
23 that Monsieur MATSUOKA sees no reason to apprehend  
24 any untoward developments in East Asia, and notes  
25 with satisfaction his assurance about peaceful

1 intentions of Japanese Government.

2 "Since Monsieur MATSUOKA, for his part,  
3 makes reference to 'movements of British and American  
4 Governments in their attempt to expedite and enlarge  
5 warlike preparations', Prime Minister would allow  
6 himself to offer certain observations which he hopes  
7 may remove any misunderstanding of position of H. M.'s  
8 Government.

9 "There is no question of H. M.'s Government  
10 making any attack upon or committing any act of  
11 aggression against Japan; and Prime Minister is  
12 sure that this also represents intentions of United  
13 States, though of course he cannot claim to speak  
14 for them. All preparations which are being made in  
15 Oriental Regions by Great Britain and United States  
16 are of a purely defensive character. Incidentally,  
17 Prime Minister would wish to assure Monsieur MATSUOKA  
18 that concern which Mr. Eden expressed to Japanese  
19 Ambassador was not based exclusively on reports  
20 from H. M.'s Ambassador in Tokyo, but on the course  
21 of events in Far East and on a study of the speeches  
22 of Japanese Minister for Foreign Affairs himself.

23 "Turning now to the war in progress in  
24 Europe between Great Britain and Germany it will be  
25 within Monsieur MATSUOKA's recollection that, before

1 intentions of Japanese Government.

2 "Since Monsieur MATSUOKA, for his part,  
3 makes reference to 'movements of British and American  
4 Governments in their attempt to expedite and enlarge  
5 warlike preparations', Prime Minister would allow  
6 himself to offer certain observations which he hopes  
7 may remove any misunderstanding of position of H. M.'s  
8 Government.

9 "There is no question of H. M. 's Government  
10 making any attack upon or committing any act of  
11 aggression against Japan; and Prime Minister is  
12 sure that this also represents intentions of United  
13 States, though of course he cannot claim to speak  
14 for them. All preparations which are being made in  
15 Oriental Regions by Great Britain and United States  
16 are of a purely defensive character. Incidentally,  
17 Prime Minister would wish to assure Monsieur MATSUOKA  
18 that concern which Mr. Eden expressed to Japanese  
19 Ambassador was not based exclusively on reports  
20 from H. M. 's Ambassador in Tokyo, but on the course  
21 of events in Far East and on a study of the speeches  
22 of Japanese Minister for Foreign Affairs himself.

23 "Turning now to the war in progress in  
24 Europe between Great Britain and Germany it will be  
25 within Monsieur MATSUOKA's recollection that, before

1 outbreak of war, H. M. 's Government made every offer,  
2 by concession and reasonable dealing, to avert  
3 hostilities. That is recognized throughout the  
4 world, and indeed the Government of the day in this  
5 country were severely criticised for having travelled  
6 too far along this road. Their efforts were un-  
7 availing, and German Government, by attacking  
8 Poland after so many breaches of faith and of  
9 treaties, chose arbitrament of war. H. M. 's  
10 Government, having thus been forced to enter upon  
11 this grievous quarrel, have no thought but to carry  
12 it to a victorious conclusion. Naturally it takes  
13 some time for the peaceful communities which compose  
14 British Empire to overtake military preparations of  
15 countries which have long been exulting in their  
16 martial might, and adapting their industries to war  
17 production. But even now H. M. 's Government feel  
18 well assured of their ability to maintain themselves  
19 against all comers, and they have every reason to  
20 hope that within a few months they will, with rapidly  
21 increasing supply of materials which is coming from  
22 United States, be overwhelmingly strong.

24 "Monsieur MATSUOKA makes allusions to  
25 help which this country receiving from United States  
of America. Prime Minister would observe that that

1 help is being given for very reason that battle  
2 which this country is waging is for overthrow  
3 of system of lawlessness and violence abroad and  
4 cold, cruel tyranny at home which constitutes German  
5 Naziism regime.

6 "It is this system that people of British  
7 Empire, with sympathy and support of whole English-  
8 speaking world, are resolved to extirpate from  
9 continent of Europe. H. M. 's Government have no  
10 designs upon integrity of independence--"

11 THE PRESIDENT: "Or."

12 MR. HIGGINS: "Integrity or" it should be.

13 (Reading continued): "--integrity or  
14 independence of any other country, and they seek no  
15 advantage for themselves except satisfaction of  
16 having rid the earth of a hateful terror and of  
17 restoring freedom to the many insulted and enslaved  
18 nations of European continent. This they would  
19 regard as greatest honour that could reward them,  
20 and the crowning episode in what, for western world,  
21 is a long continuity of history.

22 "Monsieur MATSUOKA, with loftiest motives,  
23 has hinted at his readiness to act as the mediator  
24 between the belligerents. Prime Minister is sure  
25 that, in light of what he has said and upon for the



1 reflection, Monsieur MATSUOKA will understand that  
2 in a cause of this kind, not in any way concerned  
3 with territory, trade or material gains, but affecting  
4 whole future of humanity, there can be no question  
5 of compromise or parley. It would be a matter of  
6 profoundest regret to H. M. 's Government if by  
7 any circumstance Japan and this country were to  
8 become embroiled, and this not only because of their  
9 recollection of the years during which two countries  
10 were happily united in alliance, but also because  
11 such a melancholy event would both spread and pro-  
12 long the war without however in opinion of H. M. 's  
13 Government altering its conclusion.

14 "Foreign Office, W. 1.

15 "24th February, 1941."  
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1 We now offer in evidence IPS document No.  
2 1592-B which is a telegram No. 4840, dated February  
3 25, 1941, from OSHIMA to MATSUOKA.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 1592-B will receive exhibit No. 1050.

7 (Whereupon, the document above  
8 referred to was marked prosecution's exhibit  
9 No. 1050 and received in evidence.)

10 MR. HIGGINS: I read prosecution's exhibit  
11 No. 1050:

12 "Copy of Telegram No. 4840

13 "Nature of Telegram: Code

14 "Date: Dispatched 25 February Showa 16/1941/A.M.  
15 Received, 25 February Showa 16/1941/P.M.

16 "To: Foreign Minister MATSUOKA

17 "From: Ambassador OSHIMA, Berlin

18 "No. 160 (Urgent)

19 "At the interview with Ribbentrop reported to  
20 you in Telegram No. 157, I stressed that there have  
21 been various conjectures concerning Japanese-German re-  
22 lations, especially concerning the Tri-Partite Pact,  
23 that there has also been slanderous propaganda by Eng-  
24 land and the United States; but that although there  
25 may be some degree of misunderstanding on the part of



1 Germany, the fact that Japan is absolutely faithful to  
2 the Tri-Partite Pact will be clearer when the Imperial  
3 Rescript is issued; and that both government officials  
4 and the people are moving forward with united and stead-  
5 fast resolve toward the realization of the national  
6 policy, with the aforementioned treaty as the keynote  
7 of our foreign relations. Ribbentrop agreed, saying  
8 that Germany too has a comradesly feeling of being in  
9 the same boat as Japan, and that Chancellor Hitler has  
10 the strongest faith on this point. He said that he  
11 hoped that there was no misunderstanding about Germany's  
12 real intention by Japan.

13 "For your reference.

14 "Relayed to Germany, Soviet Russia, Turkey, and  
15 to the U.S.A."  
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1 THE PRESIDENT: Mr. Hardin.

2 MR. HARDIN: I offer in evidence IPS docu-  
3 ment 1592-C which is telegram No. 5956 dated Febru-  
4 ary 25, 1941 from SHIGEMITSU in London to MATSUOKA.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document  
7 No. 1592-C will receive exhibit No. 1051.

8 (Whereupon, the document above  
9 referred to was marked prosecution's exhibit  
10 No. 1051 and received in evidence.)

11 MR. HARDIN: (Reading)

12 "COPY OF TELEGRAM NO. 4956.

13 NATURAL OF TELEGRAM: Code

14 DATE DESPATCHED: 25 Feb. Showa 16, 1941, P.M.

15 RECEIVED: 26 Feb. Showa 16, 1941, P.M.

16 TO: Foreign Minister MATSUOKA

17 FROM: Ambassador SHIGEMITSU in London

18 "No. 137-1

19 "1. At the interview with Premier Churchill  
20 on the 24th he first spoke to me consecutively for  
21 about 20 minutes as summarized in my previous tele-  
22 gram No. 136.

23 "2. I answered that I understood what he said.  
24 However, with regard to the third point, I told him  
25 that Foreign Minister MATSUOKA did not offer to med-

1 late, but that he simply emphasized Japan's spirit  
2 toward peace and that he especially expressed his  
3 concern over the peace in East Asia. Availing my-  
4 self of this opportunity I told him that I wanted  
5 to express my unreserved opinion to the effect that  
6 while the relations between Great Britain and Japan  
7 had become very clear, to our satisfaction, by  
8 Japan's avowal of having no intention to aggress  
9 upon Great Britain and by Britain's Declaration  
10 that she would not take any offensive policy against  
11 Japan, it was very regrettable that Britain, who was  
12 well aware that the aggravation of the relations be-  
13 tween the two countries arose from the problems in  
14 China, has been, together with other countries,  
15 giving concrete assistance to the Chungking govern-  
16 ment, our enemy, thus maintaining a policy enabling  
17 the Chungking Government to carry on resistance  
18 against Japan. Such a policy is recognized as a  
19 challenge to the peace of East Asia for which Japan  
20 has deep concern. I continued that Japan has no  
21 idea of conquering China and that her unprejudiced  
22 stand was clearly pointed out in MATSUOKA's message,  
23 and that we are carrying out our policies in that  
24 line under the treaties with the Nanking Government.  
25 In view of the present world conditions, it is im-

1 possible for Japan to go on existing, abandoning  
2 the continent of China to a chaotic condition, and,  
3 therefore, that it is only justifiable for her to  
4 counter-attack against hostile activities made upon  
5 order and peace. Uneasiness could not be eliminated  
6 unless this point should be amended. I said that I  
7 was convinced that in the Pacific the time has come  
8 to require more positive and constructive policies,  
9 not just the preventing of general destruction. This  
10 would be significant for preventing conditions from  
11 becoming aggravated again. If all of the nations  
12 concerned had enough self-control to be able to  
13 construct peace in this area, too, through their  
14 goodwill and mutual understanding, I went on, it  
15 might prove the first step in gradually saving the  
16 world from catastrophe. This was why I had been  
17 making efforts and exchanging opinions with Lord  
18 Lloyd (the Colonial Secretary, a leader of the Upper  
19 House and an intimate friend of Churchill. Died  
20 lately). Lord Hankey and others, as I said in con-  
21 clusion, he (Churchill) might have been aware.

22 "3. The Premier answered that he was  
23 aware of it; then he said that as he had declared  
24 previously (his speech in Parliament at the time of  
25 the conclusion of the negotiations over the Burma

1 Road) to the contrary, he considered it desirable  
2 that Japan be active in China, and that peace be  
3 brought about between them; so Great Britain had no  
4 intention of interfering. He said that rather than  
5 giving assistance, Britain's position is indeed  
6 tantamount to strict neutrality. Great Britain,  
7 he continued, has no objection now or later to the  
8 uninterrupted development of Japan as one of the  
9 great countries of the world. He said that, at any  
10 rate, he is at present doing his utmost to reesta-  
11 blish a righteous peace in Europe. The British Em-  
12 pire alone has a White population of sixty-five  
13 millions as against a population of seventy-five  
14 millions in Germany, and he was sure that the war  
15 should be brought to a final victory for his coun-  
16 try by utilizing far bigger resources and with the  
17 assistance of the U. S. A.

18  
19 "4. The premier said further that after  
20 the conclusion of the Tripartite Pact the inten-  
21 tions of Japan had been so vague as to cause sus-  
22 picion on the part of Britain and the U. S. A., but  
23 instead that conditions have now become good is  
24 clear both at home and abroad by the press accounts.  
25 To the above I answered that it would be a gross mis-  
take to consider that the latest press campaign by



1 Britain gives favorable effect to Japan. In a word,  
2 a campaign of such nature would be only harmful and un-  
3 profitable. Then the Premier justified himself,  
4 saying that there was no special campaign.

5 "5. At the interview today Premier Churchill  
6 tried to emphasize the determination of Great Britain  
7 to carry through the war, calling the German actions  
8 inhuman aggressive acts, but he did not criticize  
9 the past Japanese policies toward China. Instead he  
10 appeared to show an attitude of indifference toward  
11 it.

12 "Dispatch relayed to United States."  
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1 We tender in evidence IPS document 220C (12)  
2 from exhibit 58 for identification, Volume II. This  
3 is an excerpt from a telegram from Mr. Grew to Secre-  
4 tary of State, dated February 27, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document  
7 No. 220C (12) will receive exhibit No. 1052.

8 (Whereupon, the document above  
9 referred to was marked prosecution's exhib-  
10 it No. 1052 and received in evidence.)

11 MR. HARDIN: (Reading)

12 "TELEGRAM

13 "THE, AMBASSADOR IN JAPAN (GREW) TO THE  
14 SECRETARY OF STATE

15 "TOKYO, February 27, 1941--2 a.m. (Received  
16 4:55 p.m.)

17 "Excerpt.

18 "317. In the course of my conversation today  
19 with the Foreign Minister he went out of his way to  
20 accuse the British Government of taking measures in  
21 the Far East which were a direct incitement to Japan  
22 and which rendered very difficult an improvement in  
23 the situation. He referred in this connection to the  
24 reported mining of Singapore and the sending of Aus-  
25 tralian troops to the Malaya-Thailand border."



1 " I said that it seemed to me extraordinary  
2 that the Japanese should interpret and characterize  
3 obviously defensive measures as measures of offense.  
4 As I had said to the Minister at the American-Japan  
5 Society luncheon, we must inevitably be guided by  
6 'facts and actions' and that certainly the facts and  
7 actions relating to Japan's southward advance were  
8 concrete causes for serious anxiety not only on the  
9 part of Great Britain but of ourselves. Having occu-  
10 pied in succession Waichow, Hainan, the Spratly Is-  
11 lands, and other areas, the Japanese military were  
12 now pouring troops into Indo-China and, according  
13 to our informer, had occupied the airport in Saigon,  
14 quite apart from naval activities in those regions,  
15 and that these steps, taken in conjunction with the  
16 public utterances of many Japanese statesmen, gener-  
17 als and admirals concerning Japanese intentions to the  
18 southward, had created a situation which could hardly  
19 be regarded with equanimity either by the United  
20 States or Great Britain since they threatened not on-  
21 ly our interests but our possessions."  
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THE PRESIDENT: Mr. Chief of Counsel.

1 MR. KEENAN: We offer in evidence IPS  
2 document No. 1339A (7) which is Japan's proposal by  
3 SHIGEMITSU to Churchill, dated February 27, 1941.  
4

THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 1339A (7) will receive exhibit No. 1053.  
7

8 (Whereupon, the document above  
9 referred to was marked prosecution's exhib-  
10 it No. 1053 and received in evidence.)

11 MR. KEENAN: (Reading)

12 "Japan's Second Offer (Handed by Ambassador SHIGEMITSU  
13 to CHURCHILL)

14 "His Imperial Japanese Majesty's Minister  
15 for Foreign Affairs acknowledges the receipt of the  
16 note of His Britannic Majesty's Prime Minister, dated  
17 February 24, 1941, and takes pleasure in apprising  
18 the letter that the statement and remarks contained  
19 therein have been duly noted.

20 "The Foreign Minister trusts that Mr. Church-  
21 ill is not necessarily expecting observations to made  
22 upon them. He wishes, however, to take advantage of  
23 the opportunity to state that no hint whatever of his  
24 readiness to act as a mediator between the actual be-  
25 lligerents was intended to be conveyed in his Memoran-

1       dum addressed to His Britannic Majesty's Principal  
2       Secretary of State for Foreign Affairs, nor did he  
3       imagine for a moment any possibility of such a hint  
4       being read in any part of the text. The Foreign  
5       Minister took occasion in his Memorandum to refer  
6       to the radiation now taking place in Tokyo as Mr.  
7       Iden had made allusions to it and incidentally took  
8       the liberty of stating in a general and abstract  
9       manner the views he has always cherished, in order  
10      to make clear the aspiration and attitude of his  
11      country concerning the problem of peace or the re-  
12      covery of normal conditions throughout the world.

13               "The Foreign Minister believes that it will  
14      not be entirely out of place to reiterate what he  
15      has said on more than one occasion in reference to  
16      the Tripartite Pact, inasmuch as this matter was  
17      touched upon by Mr. Iden in his conversation with  
18      Ambassador SHIGEMITSU. The Tripartite Pact was  
19      concluded as, and remains, a peace pact in the sense  
20      that it was entered into largely with a view to pre-  
21      venting a third Power from participating in the  
22      European war or Sino-Japanese conflict, thus limit-  
23      ing the participants and dimensions of the war and  
24      also to bringing about peace at the earliest pos-  
25      sible date. Japan's ideals were epitomized in the

1 preamble of the Pact, and it is needless to say that  
2 Japan, remaining absolutely loyal to the aims and  
3 ideals enunciated, will always find herself standing  
4 by her allies in carrying out her duty under the Tri-  
5 partite Pact.

6 "The Foreign Minister would equally deplore  
7 and regret, if by any untoward circumstances, Great  
8 Britain and this country were to become embroiled,  
9 not only because of the recollection of the years  
10 during which the two countries were united in alliance,  
11 but also because such a tragic eventuality would be  
12 fraught with the danger of destroying modern civili-  
13 zation to the undoing of the best part of Humanity.  
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15 "February 27, 1941."  
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1           We now desire to offer in evidence IPS 'docu-  
2       ment 1593-A taken from the Japanese Foreign Office  
3       and duly authenticated. It is a telegram, No. 6915,  
4       dated 4 March 1941, from MATSUOKA to NOMURA, the  
5       Ambassador in Washington.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLERK OF THE COURT: Prosecution's document  
8       No. 1593-A will receive exhibit No. 1054.

9           (Whereupon, the document above re-  
10       ferred to was marked prosecution's exhibit  
11       No. 1054 and received in evidence.)

12          THE PRESIDENT: Mr. Chief of Counsel, the  
13       preceding exhibit, 1053, is headed "Japan's Second  
14       Offer." Can you suggest that exhibit 1053 contains  
15       an offer?

16          MR. KEENAN: If the Tribunal please, this  
17       is not our contention of the fact, nor do we at any  
18       time, at any stage of this proceeding, in offering  
19       any document or witness, intend to be bound when they  
20       are of Japanese origin or nationality. We are offer-  
21       ing it as the representation made by the Japanese  
22       Government of what they contended the facts to be as  
23       they were making it appear to other nations.

24               More specifically, Mr. President, with re-  
25       spect, in stating our position in answer to the Court's



1 inquiry, this might be considered an offer for world  
2 peace on Japanese terms.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If the Tribunal please, we can-  
5 not let the Chief Prosecutor's statement go by un-  
6 challenged.

7 THE PRESIDENT: He can state his position  
8 without issuing any challenge that you can meet now.  
9 The Court, in effect, invited him to state his po-  
10 sition. He did not misunderstand us. He just  
11 stated it, and I think that ought to be the end of it  
12 for the time being, Mr. Logan.

13 MR. LOGAN: I am not referring to his  
14 statement with regard to your inquiry on exhibit  
15 1053. I am referring to his statement that the  
16 prosecution is not bound by any of the documents or  
17 statements made by witnesses of Japanese origin. It  
18 has always been my understanding that when a witness  
19 is offered by the prosecution that he vouches for  
20 his credibility, and I know of no reason why any  
21 other procedure than that should be adopted in this  
22 case.

23  
24 THE PRESIDENT: In a criminal proceeding, of  
25 course, it is the duty of the prosecution to place  
all the facts before the Court and let the Court



1 draw its conclusion. Here you have a document which  
2 may or may not contain a wrong heading. If it con-  
3 tains a wrong heading, the prosecution are not bound  
4 by that wrong heading.

5 MR. KEENAN: Mr. President, perhaps I  
6 should make it abundantly clear that this is the  
7 document exactly as we found it in the Japanese  
8 archives, and it speaks for itself; and, of course,  
9 the Court will make whatever interpretation circum-  
10 stances warrant.

11 THE PRESIDENT: We always understood that  
12 heading appeared on the original.

13 MR. KEENAN: The prosecution now offers in  
14 evidence IPS document No. 2530-A, another newspaper  
15 announcement relating to the new Mobilization Law,  
16 dated 8 March 1941.

17 THE PRESIDENT: Mr. Chief of Counsel, do  
18 you propose to read exhibit 1054?

19 MR. KEENAN: I beg your pardon. We do  
20 propose. In the colloquy with counsel, I had for-  
21 gotten that that was not read. May I now read it?

22 THE PRESIDENT: Yes. It has been admitted  
23 and numbered, and you will read it.

24 MR. KEENAN: (Reading)

25 "Date: 7:00 P.M. March 4, 1941

1 "Sender: Foreign Minister MATSUOKA.

2 "Addressee: NOMURA, Japanese Ambassador to  
3 the U S. A.

4 "Subject: Ambassador NOMURA's denial of the  
5 war with America.

6 "No. 107.

7 "Concerning No. 123 of your telegram, I  
8 fully appreciate the circumstances under which you  
9 had to make your answer in a cautious way. How-  
10 ever, as I have already made an affirmative reply  
11 to the question as to whether Japan will partici-  
12 pate in a warfare in case the United States should  
13 attack Germany, at the general meeting of Budget  
14 Committee in the House of Representatives and on  
15 other occasions, I hope that hereafter you will act  
16 in concert with me when you answer questions of like  
17 nature."

18 THE PRESIDENT: The document last tendered  
19 is admitted on the usual terms.

20 Give it a number.

21 CLERK OF THE COURT: Prosecution's document  
22 No. 2530-A is given exhibit No. 1055.

23 (Whereupon, the document above re-  
24 ferred to was marked prosecution's exhibit  
25 No. 1055 and received in evidence.)

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1 MR. KEENAN: (Reading)

2 "EXTRACT FROM 'THE TOKYO NICHI NICHI'

3 "March 8, 1941

4 - - -

5 "NATIONAL MOBILIZATION LAW

6 "Revised Regulations will be put in  
7 Force on March 20.

8 - - -

9 "The detailed regulations relative to the  
10 application of the revised National Mobilization Law,  
11 which were approved in the 76th session of the Diet,  
12 will be put in force on March 20, it was decided at  
13 the Cabinet Meeting on March 7."  
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1 MR. KEENAN: We now offer in evidence IPS  
2 document 220C (20) from exhibit for identification  
3 No. 58, volume 2. This is an excerpt from a memorandum  
4 of Secretary of State Hull, dated March 8, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document  
7 No. 220C (21) will receive exhibit No. 1056.

8 (Whereupon, the document above referred  
9 to was marked prosecution's exhibit No. 1056 and  
10 received in evidence.)

11 MR. KEENAN: (Reading)

12 "Memorandum by the Secretary of State.

13 "Washington, March 8, 1941.

14 "The Ambassador then said that it would be well-  
15 nigh unthinkable for our two countries to fight each  
16 other on account of the destructive effects that would  
17 inevitably result in any event. I here spoke and  
18 said that my country entertained the same idea about  
19 the destructive effects of a military clash between  
20 our two countries. I then inquired of the Ambassador  
21 whether the military groups in control of his Govern-  
22 ment could possibly expect important nations like the  
23 United States to sit absolutely quiet while two or  
24 three nations before our very eyes organized naval and  
25 military forces and went out and conquered the balance

1 of the earth, including the seven seas and all trade  
2 routes and the other four continents. Could they  
3 expect countries like mine to continue to remain com-  
4 placent as that movement is going on? I inquired fur-  
5 ther what countries like mine would have to gain by  
6 remaining complacent in the face of a movement to sub-  
7 stitute force and conquest for law and justice and  
8 order and fair dealing and equality. The Ambassador  
9 sought to play down the view that such military con-  
10 quest was really in the mind of his Government and he  
11 then said that embargoes by this country were, of  
12 course, of increasing concern, and that he did not  
13 believe there would be any further military movements  
14 unless the policy of increasing embargoes by this country  
15 should force his Government, in the minds of those in  
16 control, to take further military steps. To this I  
17 replied that this is a matter entirely in the hands of  
18 his Government for the reason that his Government took  
19 the initiative in military expansion and seizures of  
20 territory of other countries, thereby creating an  
21 increasingly deep concern on the part of my own and other  
22 countries as to the full extent of Japanese conquest  
23 by force which was contemplated; that my country has  
24 not been at fault and none of the nations engaged in  
25 conquest have pretended seriously to charge it with



1 any action of omission or commission in relation to the  
2 present movement of world conquest by force on the part  
3 of some three nations, including Japan. The Ambassador  
4 sought here to minimize and mildly to controvert the  
5 idea that Japan is engaged in broad unqualified mil-  
6 itary conquest. I then repeated the terms of the  
7 Tripartite Agreement and the public declaration of  
8 Hitler and MATSUOKA and other high authorities in Japan  
9 to the effect that their countries under the Tripartite  
10 arrangement were out by military force to establish  
11 a new order not for Asia alone, not for Europe alone,  
12 but for the world, and a new order under their control.  
13 I said that whatever interpretation the Ambassador  
14 might give these utterances and military activities  
15 in harmony with them thus far, the American people  
16 who were long complacent with respect to dangerous  
17 international developments have of late become very  
18 thoroughly aroused and awakened to what they regard as  
19 a matter of most serious concern in relation to move-  
20 ments by Japan and Germany, presumably to take charge  
21 of the seas and the other continents for their own  
22 personal arbitrary control and pecuniary profit  
23 at the expense of the welfare of all of the peoples,  
24 who are victims of such a course and of peaceful nations  
25 in general. I said, of course, these apprehensions

1 and this tremendous concern will remain and continue  
2 so long as Hitler continues his avowed course of un-  
3 limited conquest and tyrannical rule and so long as  
4 the Japanese Army and Navy increase their occupation  
5 by force of other and distant areas on both land and  
6 sea, with no apparent occasion to do so other than  
7 that of capture and exclusive use of the territory  
8 and other interests of other countries. The Ambassador  
9 again sought to allay the idea of military conquest  
10 on the part of his country, and I again replied with  
11 emphasis that so long as Japanese forces were all over  
12 China and Japanese troops and airplanes and naval  
13 vessels were as far south as Thailand and **Indo-China**  
14 and Saigon, accompanied by such threatening declarations  
15 as Japanese statesmen are making week after week,  
16 there can only be increasing concern by nations who  
17 are vitally interested in international affairs both  
18 on land and sea as they are also vitally interested  
19 in the halt of world conquest by force and barbaric  
20 methods of government.

21 "I proceeded to comment on Japan's line of  
22 activities and utterances by saying that this country  
23 and most other countries only proclaim and practice  
24 policies of peaceful international relationships,  
25 political, economic, social and cultural. Sometimes

1 the policy to promote these mutually beneficial rela-  
2 tionships is proclaimed, such as our good neighbor  
3 policy with special reference to Pan-America. And yet  
4 all of our acts and programs and policies adopted by  
5 the twenty-one American nations in their conferences  
6 from time to time are made universal in their appli-  
7 cation, so that Japan and all other nations receive  
8 the same equal opportunities for trade and commerce  
9 generally throughout the Americas that each of the  
10 American nations receives itself. In striking contrast  
11 the new order in greater Eastern Asia is unequivocally  
12 believed to be purely a program of military aggression  
13 and conquest with entirely arbitrary policies of  
14 political, economic and military domination."

15 Quotations from a Foreign Relations volume.

16 The prosecution now offers in evidence IPS  
17 document 220C (22) from exhibit for identification  
18 58, volume 2, which is excerpts from a memorandum  
19 of the Secretary of State, dated March 14, 1941.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document  
22 No. 220C (22) will receive exhibit No. 1057.

23 (Whereupon, the document above referred  
24 to was marked prosecution's exhibit No. 1057 and  
25 received in evidence.)

1 MR. KEENAN: (Reading)

2 "Memorandum by the Secretary of State.

3 "March 14, 1931.

4 "Excerpts.

5 "The President again returned to the Tri-  
6 partite Agreement and said that it had upset the  
7 American people because they think that a concerted  
8 effort is being made by Germany and Italy to reach the  
9 Suez Canal and by Japan on the other hand to approach  
10 Singapore, the Netherlands East Indies and the Indian  
11 Ocean. The Japanese Ambassador spoke more strongly  
12 than he had in his earlier talk with me, expressing  
13 his belief that his country would not go South.

14 "The President finally remarked that, as the  
15 Ambassador indicated, matters between our two countries  
16 could undoubtedly be worked out without a military  
17 clash, emphasizing that the first step in this direc-  
18 tion would be the removal of suspicion and fear regard-  
19 ing Japan's intentions. I here remarked that, of  
20 course, with MATSUOKA astride the Axis on his way to  
21 Berlin and talking loudly as he goes, and Japanese  
22 naval and air forces in the vicinity of **Indo-China**,  
23 Thailand and Saigon, with no explanation but with ser-  
24 ious inferences, the Ambassador must realize how acute  
25 feeling and opinion in this country have become."

1           We now offer in evidence, if it please the  
2 Tribunal, several separate documents from the accused  
3 KIDO's diary. They are documented as a series of IPS  
4 documents 1632W. They will not be tendered consecutively  
5 but in order of date in the course of this evidence.

6           THE PRESIDENT: We will receive them after  
7 the recess. We will recess now for fifteen minutes.

8           (Whereupon, at 1045, a recess was taken  
9 until 1100, after which the proceedings were  
10 resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Chief of Counsel.

4 MR. KEENAN: I will proceed to read the docu-  
5 ment last referred to before the Court recessed.

6 If the Court please, I tendered the ~~excerpt~~  
7 from Marquis KIDO's Diary, and I believe the Court had  
8 not acted upon its admission.

9 THE PRESIDENT: We have not seen it yet. It  
10 has not been distributed.

11 Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document  
13 1632-W(48) will receive exhibit No. 1058.

14 (Whereupon, the document above  
15 referred to was marked prosecution's exhibit  
16 No. 1058, and was received in evidence.)

17 MR. KEENAN: Dated 3 April 1941.

18 (Reading) "In the anteroom of the Imperial  
19 Palace Premier KONOYE consulted me about the pros-  
20 pective appointment of Admiral TOYODA as the Minister  
21 of Commerce and Industry and Lieutenant-General  
22 SUZUKI as the President of the Planning Board. I  
23 agreed with him. At 4.40 p.m. Premier KONOYE tele-  
24 phoned me saying that since the plan he had intimated  
25 to me this morning had been approved by both the War



1 Minister and the Navy Minister, necessary arrangements  
2 for the appointments would be made at once."

3 Prosecution now offers in evidence IPS  
4 document 220-C(23) from exhibit for identification  
5 58, Volume II. This is a proposal presented by the  
6 Department of State in Japan at a meeting of private  
7 Japanese and American individuals on April 9, 1941.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document  
10 No. 220-C(23) will receive exhibit No. 1059.

11 (Whereupon, the document above  
12 referred to was marked prosecution's exhibit  
13 No. 1059, and was received in evidence.)

14 MR. KEENAN: (Reading) "Proposal Presented  
15 to the Department of State through the Medium of  
16 Private American and Japanese Individuals on  
17 April 9, 1941."

18 At this time, if the Court please, I would  
19 like to have the previous remarks that had been read  
20 from the prepared manuscript to conform with the exact  
21 language of the heading of this document, namely:

22 "Proposal Presented to the Department of  
23 State through the Medium of Private American and  
24 Japanese Individuals on April 9, 1941.

25 "The Governments of the United States and of

1 Japan accept joint responsibility for the initiation  
2 and conclusion of a general agreement disposing the  
3 resumption of our traditional friendly relations.

4 "Without reference to specific causes of  
5 recent estrangement, it is the sincere desire of both  
6 Governments that the incidents which led to the de-  
7 terioration of amicable sentiment among our people  
8 should be prevented from recurrence and corrected in  
9 their unforeseen and unfortunate consequences.

10 "It is our present hope that, by a joint  
11 effort, our nations may establish a just Peace in the  
12 Pacific; and by the rapid consummation of an entente  
13 cordiale, arrest, if not dispel, the tragic confusion  
14 that now threatens to engulf civilization.

15 "For such decisive action, protracted nego-  
16 tiations would seem ill-suited and weakening. We,  
17 therefore, suggest that adequate instrumentalities  
18 should be developed for the realization of a general  
19 agreement which would bind, meanwhile, both governments  
20 in honor and in act.

21 "It is our belief that such an understanding  
22 should comprise only the pivotal issues of urgency and  
23 not the accessory concerns which could be deliberated  
24 at a Conference and appropriately confirmed by our re-  
25 spective Governments. "

1            "We presume to anticipate that our Govern-  
2 ments could achieve harmonious relations if certain  
3 situations and attitudes were clarified or improved;  
4 to wit:

5            "1. The concepts of the United States and  
6 of Japan respecting international relations and the  
7 character of nations.

8            "2. The attitudes of both governments to-  
9 ward the European War.

10           "3. The relations of both nations toward  
11 the China Affair.

12           "4. Naval, aerial and mercantile marine re-  
13 lations in the Pacific.

14           "5. Commerce between both nations and their  
15 financial cooperation.

16           "6. Economic activity of both nations in the  
17 Southwestern Pacific area.

18           "7. The policies of both nations affecting  
19 political stabilization in the Pacific.

20           "Accordingly, we have come to the following  
21 mutual understanding subject, of course, to modifica-  
22 tions by the United States Government and subject to  
23 the official and final decision of the Government of  
24 Japan.

25           "I. The concepts of the United States and

1 of Japan respecting international relations and the  
2 character of nations.

3 "The Governments of the United States and  
4 of Japan might jointly acknowledge each other as equal-  
5 ly sovereign states and contiguous Pacific powers.

6 "Both Governments assert the unanimity of  
7 their national policies as directed toward the founda-  
8 tion of a lasting peace and the inauguration of a new  
9 era of respectful confidence and cooperation among our  
10 peoples.

11 "Both Governments might declare that it is  
12 their traditional, and present, concept and conviction  
13 that nations and races compose, as members of a family,  
14 one household; each equally enjoying rights and ad-  
15 mitting responsibilities with a mutuality of interests  
16 regulated by peaceful processes and directed to the  
17 pursuit of their moral and physical welfare, which  
18 they are bound to defend for themselves as they are  
19 bound not to destroy for others.

20 "Both Governments are firmly determined  
21 that their respective traditional concepts on the  
22 character of nations and the underlying moral princi-  
23 ples of social order and national life will continue  
24 to be preserved and never transformed by foreign ideas  
25 or ideologies contrary to these moral principles and

1 concepts.

2 "II. The attitudes of both Governments  
3 toward the European War.

4 "The Government of Japan maintains that the  
5 purpose of its Axis Alliance was, and is, defensive  
6 and designed to prevent the extension of military  
7 grouping among nations not directly affected by the  
8 European War.

9 "The Government of Japan, with no intention  
10 of evading its existing treaty obligations, desires  
11 to declare that its military obligation under the Axis  
12 Alliance, comes into force only when one of the parties  
13 of the Alliance is aggressively attacked by a power  
14 not at present involved in the European War.

15 "The Government of the United States main-  
16 tains that its attitude toward the European War is,  
17 and will continue to be, determined by no aggressive  
18 alliance aimed to assist any one nation against another.  
19 The United States maintains that it is pledged to the  
20 hate of war, and accordingly, its attitude toward the  
21 European War is, and will continue to be, determined  
22 solely and exclusively by considerations of the pro-  
23 tective defense of its own national welfare and se-  
24 curity.

25 "III. China affairs.



1           "The President of the United States, if the  
2 following terms are approved by His Excellency and  
3 guaranteed by the Government of Japan, might request  
4 the Chiang-Kai-Chek regime to negotiate peace with  
5 Japan.

6           "a. Independence of China

7           "b. Withdrawal of Japanese troops from  
8 Chinese territory, in accordance with an agreement  
9 to be reached between Japan and China

10          "c. No acquisition of Chinese territory

11          "d. No imposition of indemnities

12          "e. Resumption of the 'Open Door'; the  
13 interpretation and application of which shall be agreed  
14 upon at some future, convenient time between the United  
15 States and Japan.

16          "f. Coalescence of Governments of Chiang-  
17 Kai-Chek and of Wang-Ching-Wei.

18          "g. No large-scale or concentrated immigra-  
19 tion of Japanese into Chinese territory.

20          "h. Recognition of Manchukuo.

21          "With the acceptance by the Chiang-Kai-Chek  
22 regime of the aforementioned Presidential request, the  
23 Japanese Government shall commence direct peace nego-  
24 tiations with the newly coalesced Chinese Government,  
25 or constituent elements thereof."



1 "The Government of Japan shall submit to  
2 the Chinese concrete terms of peace, within the limits  
3 of aforesaid general terms and along the line of neigh-  
4 borly friendship, joint defense against communistic  
5 activities and economic cooperation.

6 "Should the Chiang-Kai-Chek regime reject  
7 the request of President Roosevelt, the United States  
8 Government shall discontinue assistance to the Chinese.

9 "IV. Naval, aerial and mercantile marine  
10 relations in the Pacific.

11 "a. As both the Americans and Japanese are  
12 desirous of maintaining the peace in the Pacific, they  
13 shall not resort to such disposition of their naval  
14 forces and aerial forces as to menace each other. De-  
15 tailed, concrete agreement thereof shall be left for  
16 determination at the proposed joint Conferences.

17 "b. At the conclusion of the projected Con-  
18 ference, each nation might despatch a courtesy naval  
19 squadron to visit the country of the other and signal-  
20 ize the new era of Peace in the Pacific.

21 "c. With the first ray of hope for the set-  
22 tlement of Chinese affairs, the Japanese Government  
23 will agree, if desired, to use their good offices to  
24 release for contract by Americans certain percentage  
25 of their total tonnage of merchant vessels, chiefly

1 for the Pacific service, so soon as they can be re-  
2 leased from their present commitments. The amount of  
3 such tonnage shall be determined at the Conference.

4 "V. Commerce between both nations and their  
5 financial cooperation.

6 "When official approbation to the present  
7 understanding has been given by both Governments, the  
8 United States and Japan shall assure each other to  
9 mutually supply such commodities as are respectively  
10 available or required by either of them. Both govern-  
11 ments further consent to take necessary steps to the  
12 resumption of normal trade relations as formerly es-  
13 tablished under the Treaty of Navigation and Commerce  
14 between the United States and Japan. If a new com-  
15 mercial treaty is desired by both governments, it  
16 could be elaborated at the proposed conference and con-  
17 cluded in accordance with usual procedure.

18 "For the advancement of economic cooperation  
19 between both nations, it is suggested that the United  
20 States extend to Japan a gold credit in amounts suf-  
21 ficient to foster trade and industrial development  
22 directed to the betterment of Far Eastern economic  
23 conditions and to the sustained economic cooperation  
24 of the Governments of the United States and of Japan.

25 "VI. Economic activity of both nations in

1 the Southwestern Pacific area.

2 "On the pledged basis of guarantee that  
3 Japanese activities in the Southwestern Pacific area  
4 shall be carried on by peaceful means, without resort-  
5 ing to arms, American cooperation and support shall  
6 be given in the production and procurement of natural  
7 resources (such as oil, rubber, tin, nickel) which  
8 Japan needs.

9 "VII. The policies of both nations affect-  
10 ing political stabilization in the Pacific.

11 "A. The Governments of the United States  
12 and of Japan will not acquiesce in the future transfer  
13 of territories or the relegation of existing States  
14 within the Far East and in the Southwestern Pacific  
15 area to any European Power.

16 "b. The Governments of the United States  
17 and of Japan jointly guarantee the independence of  
18 the Philippine Islands and will consider means to  
19 come to their assistance in the event of unprovoked  
20 aggression by any third Power.

21 "c. The Government of Japan requests the  
22 friendly and diplomatic assistance of the Government  
23 of the United States for the removal of Hongkong and  
24 Singapore as doorways to further political encroach-  
25 ment by the British in the Far East."

1 "d. Japanese Immigration to the United  
2 States and to the Southwestern Pacific area shall re-  
3 ceive amicable consideration--on a basis of equality  
4 with other nationals and freedom from discrimination.

5 "Conference.

6 "a. It is suggested that a Conference be-  
7 tween Delegates of the United States and of Japan be  
8 held at Honolulu and that this conference be opened  
9 for the United States by President Roosevelt and for  
10 Japan by Prince KONOYE. The delegates could number  
11 less than five each, exclusive of experts, clerks, etc.

12 "b. There shall be foreign observers at  
13 the Conference.

14 "c. This Conference could be held as soon  
15 as possible (May 1941) after the present understand-  
16 ing has been reached.

17 "d. The agenda of the Conference would not  
18 include a reconsideration of the present understanding  
19 but would direct its efforts to the specification of  
20 the prearranged agenda and drafting of instruments to  
21 effectuate the understanding. The precise agenda could  
22 be determined upon by mutual agreement between both  
23 governments.

24 "Addendum.

25 "The present understanding shall be kept as



1 a confidential memorandum between the Governments of  
2 the United States and of Japan.

3 "The scope, character and timing of the  
4 announcement of this understanding will be agreed upon  
5 by both Governments."

6 Taken from Foreign Relations Vol. II, pp.  
7 398-402.



1 MR. LOGAN: If the Tribunal please--

2 MR. KEENAN: I am not through. I want to  
3 make a remark about it.

4 MR. LOGAN: I am sorry.

5 MR. KEENAN: Mr. President, because of the  
6 unusual situation existing, I ask respectfully, per-  
7 mission to explain to the Tribunal at this time that  
8 later on in this phase we will present Mr. Ballantine,  
9 Special Assistant to the Secretary of State of the  
10 United States, who participated in many conferences  
11 held in 1941 preceding the outbreak of the Japanese-  
12 American War.

13 I am offering no testimony, of course, at  
14 this time, but I am explaining to the Court that at  
15 that time he will give direct testimony as to these  
16 conferences or talks between unofficial -- those who  
17 were not officials of either Japan or the United  
18 States. We have believed it preferable to place the  
19 series of documents before the Court.

20 There were no officials representing the  
21 United States Government, we expect to prove, and we  
22 make this statement so that the Court will not be  
23 misled by any documents we present, nor will the record  
24 be confused in that regard. So we believe the Court  
25 will understand our explanatory statement at this time.

1           The prosecution offers in evidence IPS  
2 document 220-C(24) from exhibit for identification  
3 58, Volume II.

4           This is an excerpt from memorandum from  
5 Secretary of State Hull, dated April 14, 1941.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLERK OF THE COURT: Prosecution's document  
8 220-C(24) will receive exhibit No. 1060.

9           (Whereupon, the document above  
10 referred to was marked prosecution's exhibit  
11 No. 1060, and was received in evidence.)

12          MR. KEENAN: (Reading)

13          "MEMORANDUM BY THE SECRETARY OF STATE  
14 (WASHINGTON,) April 14, 1941

15          "Excerpt.

16          "The Ambassador of Japan called at my  
17 apartment at the Wardman Park Hotel at my request.  
18 I stated that as the Ambassador would recall, both  
19 the President and I suggested during our conversations  
20 with him that he might care in discussions with me to  
21 explore the question of improving relations between  
22 the United States and Japan; that such a procedure  
23 might involve a review of relations during recent  
24 years in an attempt to ascertain where and in what  
25 respects the courses of the two countries had div-

1    erged; and that this would be done with a view to  
2    ascertaining whether something practicable might  
3    be done toward restoring the relations of our two  
4    countries to that harmonious state which existed for  
5    so many decades. I said that I referred to this  
6    again at this time because of the reports which  
7    have been coming to me that certain of the Ambass-  
8    ador's compatriots have been working on formulation  
9    of proposals and plans for improving relations be-  
10   tween the United States and Japan. I had been told  
11   that the Ambassador's compatriots have been in touch  
12   with the Ambassador in connection with their pro-  
13   posals and that the Ambassador has participated in  
14   and associated himself with these plans. I added  
15   that I did, of course, not know whether these reports  
16   are entirely accurate and, as mentioned previously  
17   to him, we can deal only with the Ambassador in ad-  
18   dressing ourselves to consideration of problems out-  
19   standing between our two Governments.

20           "I then emphasized the point that I had  
21   sent for the Ambassador primarily to clear up the  
22   matter of the extent of his knowledge of the latest  
23   document handed to my associates in the State Depart-  
24   ment by those Americans and Japanese who are collab-  
25   orating as individuals in an effort to make some sort

1 of contribution to better relations between the two  
2 countries, and as to whether it was his desire to  
3 present that officially as a first step in negotia-  
4 tions between the two Governments. I again cited  
5 those phases previously referred to, which called  
6 for preliminary conversation on certain subjects  
7 before a stage of negotiations could be reached, and  
8 which discouraged the immediate presentation of the  
9 document by the Ambassador in an official way. The  
10 Ambassador promptly replied that he did not know all  
11 about this document and that he had collaborated  
12 more or less with the individual Japanese and Ameri-  
13 cans referred to, and that he would be disposed to  
14 present it as a basis for negotiations. He proceed-  
15 ed to refer to his great desire to preserve peace  
16 between the two countries and, therefore, to do any-  
17 thing within his power to that end. He emphasized  
18 the utter disaster it would be to both countries to  
19 go to war, which would last perhaps for many years  
20 with the complete exhaustion of all concerned. He  
21 spoke strongly expressing the view that his Govern-  
22 ment did not intend to invade the South Sea area.

23 . . . . .

24 "Foreign Relations II, pp.402 - 403"

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1 We offer in evidence IPS document No.  
2 220 C (25) from exhibit for identification, Volume  
3 2, exhibit 58. This is an excerpt of Secretary of  
4 State Hull, dated April 16, 1941.

5 THE PRESIDENT: Admitted on the usual  
6 terms.

7 CLERK OF THE COURT: Prosecution's docu-  
8 ment No. 220 C (25) will receive exhibit No. 1061.

9 (Whereupon, the document above  
10 referred to was marked prosecution's exhibit  
11 No. 1061 and received in evidence.)

12 MR. KEENAN: (Reading)

13 "MEMORANDUM BY THE SECRETARY OF STATE  
14 "Excerpt. ("Washington) April 16, 1941

15 "With reference to the question of grad-  
16 ually developing a settlement in the Orient, I said  
17 that I had been told that the document on which the  
18 Ambassador and the private group of individual  
19 Americans and Japanese were collaborating contained  
20 numerous proposals with which my Government could  
21 readily agree; on the other hand, however, there  
22 were others that would require modification, expansion,  
23 or entire elimination, and, in addition, there would  
24 naturally be some new and separate suggestions by  
25 this Government for consideration. I then remarked



1 that the one paramount preliminary question about  
2 which my Government is concerned is a definite  
3 assurance in advance that the Japanese Government  
4 has the willingness and ability to go forward with  
5 a plan along the lines of the document we have  
6 referred to and the points brought up in our conver-  
7 sation in relation to the problems of a settlement;  
8 to abandon its present doctrine of military conquest  
9 by force and the taking of title to all property  
10 and territories seized, together with the use of  
11 force as an instrument of policy; and to adopt the  
12 principles which this Government has been proclaiming  
13 and practicing as embodying the foundation on which  
14 all relations between nations should properly rest.

15 "I said:

16 "'I will, therefore, hand to you as the  
17 basis for my preliminary question, the following  
18 four points on a blank piece of paper:

19 "'1. Respect for the territorial integrity  
20 and the sovereignty of each and all nations.

21 "'2. Support of the principle of non-  
22 interference in the internal affairs of other coun-  
23 tries.

24 "'3. Support of the principle of equality,  
25 including equality of commercial opportunity. "

1           "4. Non-disturbance of the status quo  
2 in the Pacific except as the status quo may be  
3 altered by peaceful means.

4           "'You can answer the questions or submit  
5 them to your Government for its answer through you,  
6 as you prefer. You understand that we both agree  
7 that we have in no sense reached the stage of  
8 negotiations; that we are only exploring in a purely  
9 preliminary and unofficial way what action might  
10 pave the way for negotiations later.'

11           "Foreign Relations II, pp. 406-407."

12           Prosecution offers in evidence IPS document  
13 1339-A (9), letter from Mr. Churchill to MATSUOKA,  
14 dated April 12, 1941, handed to MATSUOKA at Moscow.

15           THE PRESIDENT: Admitted on the usual terms.

16           CLERK OF THE COURT: Prosecution's document  
17 No. 1339-A (9) will receive exhibit No. 1062.

18           ("Whereupon, the document above  
19 referred to was marked prosecution's exhibit No.  
20 1062 and received in evidence.)

21           MR. KEENAN: (Reading)

22           "Message from the Right Honorable Winston  
23 Churchill, Acting Secretary of State for Foreign  
24 Affairs, to His Excellency Mr. Yosuke MATSUOKA, His  
25 Imperial Japanese Majesty's Minister for Foreign

1 Affairs, of which a copy was handed unofficially  
2 to Mr. MATSUOKA by His Majesty's Ambassador at  
3 Moscow on April 12, 1941.

4 "(Note. - It had originally been intended  
5 that this letter should be delivered to Mr. MATSUOKA  
6 by Mr. SHIGEMITSU who had expected to meet the  
7 Japanese Foreign Minister during his stay in Europe).

8 "Your Excellency,

9 "I take advantage of the facilities with  
10 which we have provided your Ambassador to send you a  
11 friendly message of sincerity and goodwill. I venture  
12 to suggest a few questions which, it seems to me,  
13 deserve the attention of the Imperial Japanese  
14 Government and people:

15 "(1) Will the Germans, without command of  
16 the sea or command of the British daylight air, be  
17 able to invade and conquer Great Britain in the  
18 spring, summer or autumn of 1941? Will the Germans  
19 try to do so? Would it not be in the interests of  
20 Japan to wait until these questions have answered  
21 themselves?

22 "(2) Will the German attack on British  
23 shipping be strong enough to prevent American aid  
24 from reaching British shores with Great Britain and  
25 the United States of America transforming their

1 whole industry to war purposes?

2 "(3) Did Japan's accession to the triple  
3 pact make it more likely or less likely that the  
4 United States would come into the present war?

5 "(4) If the United States entered the war  
6 at the side of Great Britain and Japan ranged her-  
7 self with the Axis Powers, would not the naval  
8 superiority of the two English-speaking nations  
9 enable them to deal with Japan while disposing of  
10 the Axis Powers in Europe?

11 "(5) Is Italy a strength or a burden to  
12 Germany? Is the Italian fleet as good at sea as on  
13 paper? Is it as good on paper as it used to be?

14 "(6) Will the British Air Force be  
15 stronger than the German Air Force before the end  
16 of 1941 and far stronger before the end of 1942?

17 "(7) Will the many countries which are  
18 being held down by the German army and Gestapo learn  
19 to like the Germans more or will they like them less  
20 as the years pass by?

21 "(8) Is it true that the production of  
22 steel in the United States of America during 1941  
23 will be 75 million tons and in Great Britain about  
24 12½ million tons, making a total of nearly 90  
25 million tons? If Germany should happen to be



defeated as she was last time would not the  
7 million tons of steel production of Japan be  
inadequate for a single-handed war?

"From the answers to these questions may  
spring the avoidance by Japan of a serious catas-  
trophe and a marked improvement in the relations  
between Japan and Great Britain, the great sea  
Power of the West.

"I remain, with great truth and respect,

"Your Excellency's obedient Servant,

"(Sd) WINSTON S. CHURCHILL."

I offer in evidence, with the Court's  
permission, IPS document No. 1339-A (10), which is  
a telegram from MATSUOKA to Churchill, dated April  
22, 1941.

THE PRESIDENT: Admitted on the usual  
terms.

CLERK OF THE COURT: Prosecution's docu-  
ment No. 1339-A (10) will receive exhibit No. 1063.

("Hereupon, the document above  
referred to was marked prosecution's exhibit  
No. 1063 and received in evidence.)

MR. KEENAN: (Reading)

"April 22, 1941

"Your Excellency,



1 "I have just come back from my trip and  
2 hasten to acknowledge the receipt of paper, handed  
3 to me at Moscow on the evening of the 12th instant  
4 by Sir Stafford Cripps with remark that it was a  
5 copy in substance of a letter addressed to me dated  
6 London, April 2, 1941, and forwarded to Tokyo.

7 "I wish to express my appreciation for  
8 the facilities with which your Government made  
9 efforts to provide our Ambassador when he wanted  
10 to meet me on the continent. I was keenly dis-  
11 appointed when I learned that he could not come.

12 "Your Excellency may rest assured that  
13 the foreign policy of Japan is determined upon and  
14 after an unbiased examination of all the facts  
15 and a very careful weighing of all the elements of  
16 the situation she confronts, always holding stead-  
17 fastly in view the great racial aim and ambition of  
18 finally bringing about on the earth the conditions  
19 envisaged in what she calls Hakkoichiu, the Japanese  
20 conception of a universal peace under which there  
21 would be no conquest, no oppression, no exploitation  
22 of any and all peoples. And, once determined, I need  
23 hardly tell Your Excellency, it will be carried out  
24 with resolution but with utmost circumspection, taking  
25 in every detail of changing circumstances."

"I am, believe me,

"Your Excellency's obedient servant,

"Yosuke MATSUOKA."

Prosecution offers in evidence document  
No. 219P (73) taken from exhibit for identification  
No. 58, Volume 1, which is an excerpt from statement  
by Ambassador Grew to Acting Foreign Minister KONOYE,  
Tokyo, April 14, 1941.

THE PRESIDENT: Admitted on the usual  
terms.

CLERK OF THE COURT: Prosecution's document  
No. 219P (73) will receive exhibit No. 1064.

("Whereupon, the document above  
referred to was marked prosecution's exhibit  
No. 1064 and was received in evidence.)

MR. KEENAN: (Reading)

"Tokyo, April 14, 1941  
"No. 1779.

"The American Ambassador in Japan (Grew)  
to the Japanese Acting Minister for Foreign Affairs  
(PRINCE KONOYE).

"Excellency: I have the honor to refer to  
my note to the Minister for Foreign Affairs, No. 1738  
of February 4, 1941, with reference to the aerial  
bombardment of Kunming, China, by Japanese aircraft

1 on January 29, 1941, at which time the American  
2 Consulate at that place was seriously endangered, and  
3 to inform Your Excellency that American lives and  
4 property were again endangered at Kunming on April 8  
5 by a wanton and indiscriminate bombing attack by  
6 Japanese airplanes.

7 "On this occasion, according to the Amer-  
8 ican Consul at Kunming, the China Inland Mission,  
9 where seven American citizens including three  
10 children were residing, was badly damaged by ex-  
11 plosions and barely escaped destruction by fire.  
12 At the same time, the house occupied by the  
13 American-citizen clerk of the Consulate, adjacent  
14 to the Mission, suffered concussion and damage in  
15 the form of broken glass, fallen plaster and tiles,  
16 and demolished electric light fixtures.

17 "Foreign Relations I, pp. 710-711."

18 THE PRESIDENT: Mr. Williams.

19 MR. E. WILLIAMS: "We tender in evidence  
20 IPS document No. 1632" (49), which is an entry in  
21 KIDO's Diary, April 19, 1941.

22 THE PRESIDENT: Admitted on the usual  
23 terms.

24 CLERK OF THE COURT: Prosecution's document  
25 No. 1632" (49) will receive exhibit No. 1065.

(Whereupon, the document above  
referred to was marked prosecution's  
exhibit No. 1065 and received in evidence.)

MR. E. WILLIAMS: We read prosecution  
exhibit No. 1065:

"Extract from Entry from Marquis KIDO's  
Diary, 19 April 1941.

"April 19, 1941 - (Extract).

"From 1:20 p.m. to 1:43 p.m. I was re-  
ceived in audience by the Emperor and reported  
Japan's relations with the U.S. and also German-  
Soviet relations. Ambassador KURUSU came to report  
to the Throne. I was allowed to hear his report.  
I talked with Premier KONOYE concerning Ambassador  
NOMURA's request for instructions. It was our con-  
clusion that we must bend every effort to keep good  
faith with Germany and Italy, and at the same time  
we ought to endeavor to realize the establishment of  
a new order in the Greater East Asia Co-prosperity  
Sphere, which is our fixed national policy."

We offer in evidence IPS document  
No. 16327 (50), an entry in KIDO's Diary, April 28,  
1941.

THE PRESIDENT: Admitted on the usual  
terms.



1                   CLERK OF THE COURT: Prosecution's document  
2 No. 16327 (50) will receive exhibit No. 1066.

3                   ("Whereupon, the document above  
4 referred to was marked prosecution's exhibit  
5 No. 1066 and received in evidence.)  
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1 MR. E. WILLIAMS: We read prosecution  
2 exhibit No. 1066.

3 "Entry from Marquis KIDO's Diary, 28  
4 April 1941."

5 "Having caught a cold I took a rest. At  
6 11.30 a.m. Chief Secretary MATSUDAIRA came to say that  
7 my opinion had been asked by the Emperor what official  
8 His Majesty should turn to for advice on diplomatic  
9 questions when the Premier, Foreign Minister and Lord  
10 Keeper of the Privy Seal were ill simultaneously as  
11 is the case today, and he also asked about the  
12 progress of deliberations on our policy towards the  
13 U.S.A.  
14

15 "I expressed my opinions about these questions  
16 and then asked MATSUDAIRA to submit them to the Throne.  
17 In the afternoon the Chief Secretary telephoned me  
18 to say that the Emperor was well pleased with my  
19 answer, and also conveyed to me a gracious Imperial  
20 message which advised me always to take good care  
21 of my health."

22 MR. LOGAN: If the Tribunal please, may we  
23 have document, exhibit No. 1066, referred to the  
24 Translation Section?

25 THE PRESIDENT: What do you suggest is wrong  
with it, Mr. Logan?

1 MR. E. WILLIAMS: We read prosecution  
2 exhibit No. 1066:

3 "'Entry from Marquis KIDO's Diary, 28  
4 April 1941.'

5 "Having caught a cold I took a rest. At  
6 11.30 a.m. Chief Secretary MATSUDAIRA came to say that  
7 his opinion had been asked by the Emperor what official  
8 His Majesty should turn to for advice on diplomatic  
9 questions when the Premier, Foreign Minister and Lord  
10 Keeper of the Privy Seal were ill simultaneously as  
11 is the case today, and he also asked about the  
12 progress of deliberations on our policy towards the  
13 U.S.A.

14 "I expressed my opinions about these questions  
15 and then asked MATSUDAIRA to submit them to the Throne.  
16 In the afternoon the Chief Secretary telephoned me  
17 to say that the Emperor was well pleased with my  
18 answer, and also conveyed to me a gracious Imperial  
19 message which advised me always to take good care  
20 of my health."

21 MR. LOGAN: If the Tribunal please, may we  
22 have document, exhibit No. 1066, referred to the  
23 Translation Section?  
24

25 THE PRESIDENT: What do you suggest is wrong  
with it, Mr. Logan?

1 MR. LOGAN: The first sentence "Secretary  
2 MATSUDAIRA came to say that his opinion" should be  
3 "my opinion," that is, KIDO's.

4 THE PRESIDENT: The Tribunal refers it to  
5 the Language Section.

6 MR. E. WILLIAMS: We offer in evidence  
7 IPS document No. 2529-A, which is an offer of the  
8 Japanese policy to increase the population to  
9 100,000,000 by 1945. This has been duly authenticated.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document  
12 No. 2529-A will receive exhibit No. 1067.

13 (Whereupon, the document above  
14 referred to was marked prosecution's exhibit  
15 No. 1067 and received in evidence.)  
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1 MR. E. WILLIAMS: We read prosecution  
2 exhibit No. 1067:

3 "EXTRACT FROM 'JAPAN TIMES & ADVERTISER'

4 "January 23, 1941.

5 - - - - -

6 "CABINET TAKES STEP TO 100,000,000 GOAL  
7 IN POPULATION DRIVE

8 - - - - -

9 "EAST ASIA LEADERSHIP REQUIRES EXPANDING  
10 NUMBERS, IMPROVED QUALITIES, OFFICIALS  
11 SAY

12 - - - - -

13 "DUAL POLICY OUTLINED

14 - - - - -

15 "GOVERNMENT WILL ATTEMPT TO RAISE BIRTH RATE,  
16 CUT DEATH TOLL

17 - - - - -

18 "VARIOUS AIDS PROPOSED

19 - - - - -

20 "Fundamental principles of Japan's population  
21 policy were decided on at the special Cabinet meeting  
22 in the official residence of the Premier Wednesday,  
23 Domei reports.

24 "Mr. Naoki HOSHINO, president of the Cabinet  
25 Planning Board, made detailed explanations on the  
policy while the Welfare, Education, and War Ministers  
expressed their opinions."

1           "With minor changes, in wording, however, the  
2 draft of a bill relating to the population policy  
3 was unanimously approved by the members of the Cabinet.  
4 In this connection a statement was issued by the Board  
5 of Information immediately after the meeting.

6           "According to this statement, the Government  
7 has been brought to establish a new population policy  
8 to increase the population of this country quickly  
9 and incessantly, to enhance the quality of the Japanese,  
10 and to correct the distribution of the Japanese race  
11 so as to secure the leadership of Japan over East  
12 Asia.

13           "GOAL at 100,000,000

14           "To this end, the goal for the total  
15 population of Japan proper in 1935" -- it says here  
16 by mistake; it should be 1945 -- "has been set at  
17 100,000,000. This is to enable Japan to expand its  
18 population without stop, to surpass other countries  
19 in the rate of population increase as well as in the  
20 quality of race, to secure adequate man power for  
21 military and economic purposes, and to keep the  
22 supremacy of Japan over other races in East Asia.

23           "The Government will make payments to  
24 newlyweds, cut the marriageable age by three years.  
25 The goal is five children per couple.



1 "Efforts will be made to heighten the  
2 birth rate, and lower the death rate, and for the  
3 propagation of the view of the world based on family  
4 and race instead of the individual.

5 "For heightening the birth rate in this  
6 country, marriages will be promoted by special bureaus  
7 designated by the Government, expenditures on weddings  
8 will be restricted, employment of women over 20  
9 will be restricted as much as possible, and priority  
10 in materials will be given to prolific families.

11 "Birth Control Banned

12 "At the same time, various systems will  
13 be instituted for the protection of mothers and infants,  
14 and birth control through the practice of abortion  
15 and use of medicines will be prohibited strictly.

16 "In order to lower the death rate, the  
17 Government will make special efforts for the prevention  
18 of tuberculosis as well as the protection of infants  
19 from death. According to a Government plan, the death  
20 rate in Japan will be reduced by 35 per cent in the  
21 next 20 years.

22 "As a means of elevating the quality of the  
23 nation, the Government will try to redistribute  
24 population with stress laid on the reduction of the  
25 population of large cities such as Tokyo and Osaka.

"Farmers Held Static

1            "At the same time, it will keep the farming  
2 population in this country at a certain level as  
3 the farming villages are considered to be the best  
4 source of soldiers and laborers. It will expand  
5 sports facilities for the rearing of stout and healthy  
6 youths, and institute a system through which young  
7 men can receive special spiritual and physical training  
8 for a certain period of time.

9            "In this connection, Dr. Nobumi ITO, president  
10 of the Board of Information, told Domei that since the  
11 establishment of the Greater East Asia Co-prosperity  
12 Sphere is the greatest mission ever delegated to the  
13 Japanese, they must hold the responsibility as the  
14 leaders of East Asia.

15           "To become the leader of the Orient', he  
16 said, 'the Japanese must not only expand greatly in  
17 number but elevate themselves in quality.

18           "To achieve this end, individualistic  
19 ideas, and the practice of birth control in various  
20 forms, must be driven out of the minds of the public;  
21 the view of the world based on the family and race  
22 must be filtered into them, and early marriages and  
23 child-bearing in many numbers should be encouraged."

24           We now offer in evidence IPS document No.  
25 4059-A, a document taken from the files at Nuernberg

1 and is a telegram from Ott to Ribbentrop, dated  
2 May 6, 1941.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document  
5 No. 4059-A will receive exhibit No. 1068.

6 (Whereupon, the document above  
7 referred to was marked prosecution's exhibit  
8 No. 1068 and received in evidence.)

9 MR. E. WILLIAMS: We read prosecution exhibit  
10 No. 1068: --

11 THE PRESIDENT: It is a very long document.

12 MR. E. WILLIAMS: It is long.

13 THE PRESIDENT: We will hear it after the  
14 luncheon adjournment. We will recess now until half  
15 past one.

16 (Whereupon, at 1155 a recess was taken.)  
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## AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Williams.

MR. E. WILLIAMS: We read prosecution's  
exhibit No. 1068:

(Reading):

"Telegram (Secret Cipher Process)

"Tokyo, 6 May 1941 1110 S.

"Arrival 7 May 1941 100 Hours

"No. 685 of 6 May Most urgent!

"Re: Telegram No. 676 of 5 May for the German  
Foreign Minister

"For the German Foreign Minister.

"Today I had a rather long conversation with  
MATSUOKA whom I told the points of view contained  
in the foregoing telegram. MATSUOKA entirely agree  
with my trend of thought, asking me to explain his  
conception of the present situation to the German  
Foreign Minister as follows:

"He read the speech of the Fuehrer yesterday  
and is extremely impressed by the sureness and wisdom  
of the arguments. On the other hand, ROOSEVELT seems

1 to him to have completely lost his head, judging  
2 from his hysterical invectives. Impressed by the  
3 Fuehrer's speech, he has sent to the German Foreign  
4 Minister through the Japanese Embassy in Berlin a  
5 telegram, of which he handed me a copy.

6 "Turning to a discussion of the overall  
7 situation MATSUOKA stated that he intended to  
8 acquaint me with the American proposal as soon as  
9 he had achieved acceptance of his viewpoint by the  
10 authoritative quarters within the country. The  
11 American proposal probably originates in a report  
12 to WASHINGTON by the American Ambassador in MOSCOW;  
13 he has known him for a long time and had a frank  
14 discussion with him at MOSCOW while on his trip  
15 back. The American Ambassador, who did not conceal  
16 his critical attitude towards ROOSEVELT, asked him  
17 what JAPAN would do in case the United States should  
18 join the war. He replied that then Japan likewise  
19 would in any case immediately join the war on the  
20 side of the Axis powers. The Ambassador tried to  
21 soft pedal this view point in that he tried to  
22 represent Japanese interference as possible in his  
23 report to WASHINGTON. He (MATSUOKA), however,  
24 emphasized most clearly that Japan would then strike.

25 "Even on his way back to TOKYO he expected



1 the American Counter move. When he arrived he  
2 found the American proposal of which I had been  
3 informed, and which skillfully caters to the needs  
4 of certain domestic political groups. At first,  
5 not only industry but likewise high Navy leaders  
6 had favored a serious discussion of the American  
7 proposal. Meanwhile he has used the interim to  
8 influence the Admiral, especially pointing to the  
9 activistic groups of young officers in the Army and  
10 Navy who would determinedly resist such a policy.  
11 On Saturday a solemn group consisting of the Prime  
12 Minister, Minister of the Interior HIRANUMA and  
13 the Chief of the Army gave their consent to the  
14 interim reply which was communicated in the fore-  
15 going report; and gave a vote of confidence. At  
16 any rate, dealing with the American proposal will  
17 lead to strained relations with economic circles.  
18 He will try to manoeuvre tactically in such a way  
19 that AMERICA will be pledged to non-participation  
20 in the European war, the more so since from the  
21 Fuehrer's speech he has gained the impression that  
22 German policy is pursuing this aim. However, he  
23 cherishes only meagre hopes as far as this is con-  
24 cerned since he personally presumes that the  
25 American developments in the direction of a

1 participation in the war will continue at a quick pace.  
2 Just now he is having investigated the question  
3 whether a Japanese protest is not called for even  
4 against patrolling activity on the part of American  
5 armed forces amounting to the arbitrary creation of  
6 an American safety zone.

7 "He would be grateful for the earliest  
8 possible information on the views of the German  
9 Foreign Minister concerning the American proposal  
10 /T.N. to be used/ for the unavoidable domestic  
11 political discussion.

12 "As to the conclusion of the Russo-Japanese  
13 neutrality pact, MATSUOKA reported that right after  
14 his departure from BERLIN, he did not envision the  
15 possibility of the settlement. During the conver-  
16 sation with the German Foreign Minister he also  
17 voiced this saying he would accept only in case  
18 RUSSIA showed readiness. In his opinion the neutrality  
19 pact was the off-shoot of Russian fear of Germany.  
20 He found STALIN absolutely willing to keep the peace.  
21 STALIN assured him that there could be no question  
22 of RUSSIA's concluding a pact with the Anglo-Saxon  
23 powers. One of his (MATSUOKA's) motives for con-  
24 cluding the neutrality pact had been to provide  
25 another hinderance to this pact. According to

1 STALIN, the SOVIET Union did not join the Tripartite  
2 pact because the allied powers were not in need of  
3 Russian assistance. However, in case this was nec-  
4 essary, RUSSIA is prepared to co-operate extensively  
5 with the Tripartite powers. When I remarked that  
6 the SOVIET Union wanted to protect its rear and  
7 asked what attitude Japan would adopt regarding  
8 American shipments of armaments via VLADIVOSTOK  
9 in case of a German-Russian conflict, MATSUOKA  
10 answered as follows: No Japanese Premier or  
11 Foreign Minister would ever be able to keep Japan  
12 neutral in the event of a German-Russian conflict.  
13 In this case, Japan would be driven, by the force  
14 of necessity to attack Russia at Germany's side.  
15 No neutrality pact could change this. Finally  
16 MATSUOKA voiced his opinion that American partici-  
17 pation in the war could induce the Fuehrer to resolve  
18 upon a solution of the Russian question by violent  
19 means in order firmly to secure areas of supply,  
20 because the war would then probably drag on for a  
21 longer term. He is personally convinced of a speedy  
22 victory of the German forces in this case.

23 "I thanked MATSUOKA for his frank utterances,  
24 promising him to ask the German Foreign Minister for  
25 an opinion as soon as possible."

1 "During my conversation today I have, of  
2 course, continued in my endeavors to direct Japanese  
3 policy toward SINGAPORE, in opposition to American  
4 interference manoeuvres and against the existing  
5 Japanese tendency to pay attention primarily to  
6 RUSSIA.

7 "OTT."  
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1 MR. E. WILLIAMS (Continuing): I now offer  
2 in evidence I. P. S. document No. 219P (74) from  
3 an exhibit marked for identification under 58, Item  
4 One, excerpt from communication of Ambassador Grew  
5 to MATSUOKA, dated May 6, 1941.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document  
8 No. 219P (74) will receive exhibit No. 1069.

9 (Whereupon, the document above referred  
10 to was marked prosecution's exhibit No. 1069  
11 and received in evidence.)

12 MR. E. WILLIAMS: We read prosecution's  
13 exhibit No. 1069:

14 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)  
15 TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (MATSUOKA)

16 "Excerpt

17 "No. 1793

18 "TOKYO, May 6, 1941.

19 "EXCELLENCY: I have the honor to refer to  
20 my note No. 1779 of April 14, 1941, addressed to  
21 Prince KONOYE during Your Excellency's absence from  
22 Japan, concerning the repeated indiscriminate bombing  
23 of Kunming by the Japanese aircraft, and the danger to  
24 American lives and damage to American property caused  
25 thereby, and to inform Your Excellency that according



1 to information received from the American Consul at  
2 that city, the Consulate was again seriously damaged  
3 during an air raid on April 29, 1941. Window glass  
4 and screens were blown out; plaster, a large memorial  
5 tablet, and part of a wall were knocked down; and  
6 dirt and debris were blown into the Compound.  
7 Fortunately, there appear to have been no casualties."

8 We offer in evidence I. P. S. document  
9 No. 220C (26) from exhibit 58, Volume II, for identi-  
10 fication. This is a draft proposal handed by the  
11 Japanese Ambassador NOMURA to the Secretary of State,  
12 May 12, 1941.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document  
15 No. 220C (26) will receive exhibit No. 1070.

16 (Whereupon, the document above referred  
17 to was marked prosecution's exhibit No. 1070  
18 and received in evidence.)

19 MR. E. WILLIAMS: We read prosecution's  
20 exhibit No. 1070:

21 "DRAFT PROPOSAL HANDED BY THE JAPANESE  
22 AMBASSADOR (NOMURA) TO THE SECRETARY OF STATE ON  
23 MAY 12, 1941.

24 "CONFIDENTIAL MEMORANDUM AGREED UPON BETWEEN  
25 THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE

1 GOVERNMENT OF JAPAN.

2 "The Governments of the United States and  
3 of Japan accept joint responsibility for the initiation  
4 and conclusion of a general agreement disposing the  
5 resumption of our traditional friendly relations.

6 "Without reference to specific causes of  
7 recent estrangement, it is the sincere desire of both  
8 Governments that the incidents which led to the  
9 deterioration of amicable sentiment among our peoples  
10 should be prevented from recurrence and corrected in  
11 their unforeseen and unfortunate consequences."

12 THE PRESIDENT: Is this any different from  
13 that handed in this morning?

14 MR. E. WILLIAMS: Yes, sir. The one handed  
15 in this morning was a proposal by some independent  
16 persons submitted to the State Departments of the  
17 Government. This is an official, confidential draft  
18 proposal submitted by Japan.

19 THE PRESIDENT: The phraseology seems familiar.

20 MR. E. WILLIAMS: It is very similar, your  
21 Honor. I may say, if the Court please, that several  
22 of these proposals and counter-proposals, each of them  
23 have phraseology very similar but differ substantially  
24 in details. I continue to read from prosecution's  
25 exhibit No. 1070.

1 (Reading continued): "It is our present  
2 hope that, by a joint effort, our nations may estab-  
3 lish a just peace in the Pacific, and by the rapid  
4 consummation of an entente cordiale (amicable under-  
5 standing), arrest, if not dispel, the tragic confusion  
6 that now threatens to engulf civilization.

7 "For such decisive action, protracted  
8 negotiations would seem ill-suited and weakening.  
9 Both Governments, therefore, desire that adequate  
10 instrumentalities should be developed for the reali-  
11 zation of a general agreement which would bind, mean-  
12 while, both Governments in honor and in act.

13 "It is our belief that such an understanding  
14 should comprise only the pivotal issues of urgency  
15 and not the accessory concerns which could be deliber-  
16 ated at a conference and appropriately confirmed by  
17 our respective Governments.

18 "Both Governments presume to anticipate that  
19 they could achieve harmonious relations if certain  
20 situations and attitudes were clarified or improved;  
21 to wit:

22 "1. The concepts of the United States and of  
23 Japan respecting international relations and the  
24 character of nations.

25 "2. The attitude of both Governments toward

1 the European War.

2 "3. The relations of both nations toward the  
3 China Affair.

4 "4. Commerce between both nations.

5 "5. Economic activity of both nations in  
6 the Southwestern Pacific area.

7 "6. The policies of both nations affecting  
8 political stabilization in the Pacific area.

9 "Accordingly, we have come to the following  
10 mutual understanding:--

11 "1. The concepts of the United States and  
12 of Japan respecting international relations and the  
13 character of nations.

14 "The Governments of the United States and of  
15 Japan jointly acknowledge each other as equally sovereign  
16 states and contiguous Pacific powers.

17 "Both Governments assert the unanimity of  
18 their national policies as directed toward the foun-  
19 dation of a lasting peace and the inauguration of a  
20 new era of respectful confidence and cooperation among  
21 our peoples.

22 "Both Governments declare that it is their  
23 traditional, and present, concept and conviction that  
24 nations and races compose, as members of a family,  
25 one household; each equally enjoying rights and admitting

1 responsibilities with a mutuality of interests regu-  
2 lated by peaceful processes and directed to the pursuit  
3 of their moral and physical welfare, which they are  
4 bound to defend for themselves as they are bound not  
5 to destroy for others; they further admit their responsi-  
6 bilities to oppose the oppression or exploitation of  
7 backward nations.

8 "Both governments are firmly determined that  
9 their respective traditional concepts on the character  
10 of nations and the underlying moral principles of  
11 social order and national life will continue to be  
12 preserved and never transformed by foreign ideas or  
13 ideologies contrary to these moral principles and  
14 concepts.

15 "II. The attitude of both Governments toward  
16 the European War.

17 "The Governments of the United States and  
18 Japan make it their common aim to bring about the  
19 world peace; they shall, therefore, jointly endeavour  
20 not only to prevent further extension of the European  
21 War but also speedily to restore peace in Europe.

22 "The Government of Japan maintains that its  
23 alliance with the Axis Powers was, and is, defensive  
24 and designed to prevent the nations which are not at  
25 present directly affected by the European War from



1 engaging in it.

2 "The Government of Japan maintains that its  
3 obligations of military assistance under the Tripartite  
4 Pact between Japan, Germany and Italy will be applied  
5 in accordance with the stipulation of Article 3 of  
6 the said Pact.

7 "The Government of the United States main-  
8 tains that its attitude toward the European War is,  
9 and will continue to be, directed by no such aggressive  
10 measures as to assist any one nation against another.

11 "The United States maintains that it is  
12 pledged to the hate of war, and accordingly, its  
13 attitude toward the European War is, and will continue  
14 to be, determined solely and exclusively by consider-  
15 ations of the protective defense of its own national  
16 welfare and security.

17 "III The relations of both nations toward  
18 the China Affair.

19 "The Government of the United States,  
20 acknowledging the three principles as enunciated in  
21 the KONOYE Statement and the principles set forth  
22 on the basis of the said three principles in the  
23 treaty with the Nanking Government as well as in the  
24 Joint Declaration of Japan, Manchukuo and China and  
25 relying upon the policy of the Japanese Government

1 to establish a relationship of neighborly friendship  
2 with China, shall forthwith request the Chiang Kai-  
3 shek regime to negotiate peace with Japan.

4 "IV Commerce between both nations.

5 "When official approbation to the present  
6 understanding has been given by both Governments,  
7 the United States and Japan shall assure each other  
8 to mutually supply such commodities as are, respective-  
9 ly, available or required by either of them. Both  
10 Governments further consent to take necessary steps  
11 to the resumption of normal trade relations as formerly  
12 established under the Treaty of Commerce and Navi-  
13 gation between the United States and Japan.

14 "V. Economic activity of both nations in  
15 the Southwestern Pacific area.

16 "Having in view that the Japanese expansion  
17 in the direction of the Southwestern Pacific area is  
18 declared to be of peaceful nature, American cooperation  
19 shall be given in the production and procurement of  
20 natural resources (such as oil, rubber, tin, nickel)  
21 which Japan needs.

22 "VI The policies of both nations affecting  
23 political stabilization in the Pacific area.

24 "a. The Government of the United States and  
25 Japan jointly guarantee the independence of the

1 Philippine Islands on the condition that the Philippine  
2 Islands shall maintain a status of permanent neutrality.  
3 The Japanese subjects shall not be subject to any  
4 discriminatory treatment.

5 "B. Japanese immigration to the United States  
6 shall receive amicable consideration -- on a basis of  
7 equality with other nations and freedom from discrim-  
8 ination.

9 "Addendum.

10 "The present understanding shall be kept as  
11 a confidential memorandum between the Governments of  
12 the United States and of Japan.

13 "The scope, character and timing of the  
14 announcement of this understanding will be agreed  
15 upon by both Governments.

16 "(ANNEX)

17 "ORAL EXPLANATION FOR PROPOSED AMENDMENTS TO  
18 THE ORIGINAL DRAFT.

19 "II. Par. 2.

20 "Attitude of Both Governments toward the  
21 European War.

22 "Actually the meaning of this paragraph is  
23 virtually unchanged but we desire to make it clearer  
24 by specifying a reference to the Pact. As long as Japan  
25 is a member of the Tripartite Pact, such stipulation

1 as is mentioned in the understanding seems unnecessary.

2 "If we must have any stipulation at all, in  
3 addition, it would be important to have one which would  
4 clarify the relationship of this understanding to  
5 the aforementioned Pact.

6 "III

7 "China Affair.

8 "The terms for China-Japan peace as proposed  
9 in the original understanding differ in no substantial  
10 way from those herein affirmed as the 'principles of  
11 KONOYE'. Practically, the one can be used to explain  
12 the other.

13 "We should obtain an understanding, in a  
14 separate and secret document, that the United States  
15 would discontinue her assistance to the Chiang Kai-shek  
16 regime if Chiang Kai-shek does not accept the advice  
17 of the United States that he enter into negotiations  
18 for peace.

19 "If, for any reason, the United States finds  
20 it impossible to sign such a document, a definite  
21 pledge by some highest authorities will suffice.

22 "The three principles of Prince KONOYE as  
23 referred to in this paragraph are:

24 "1. Neighborly friendship;

25 "2. Joint defense against communism;



1           "3. Economic cooperation -- by which  
2 Japan does not intend to exercise economic monopoly  
3 in China nor to demand of China a limitation in the  
4 interests of Third Powers.

5           "The following are implied in the afore-  
6 side principles:

7           "1. Mutual respect of sovereignty and  
8 territories;  
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1 "2. Mutual respect for the inherent  
2 characteristics of each nation cooperating as good  
3 neighbors and forming a Far Eastern nucleus contrib-  
4 uting to world peace;

5 "3. Withdrawal of Japanese troops from  
6 Chinese territory in accordance with an agreement  
7 to be concluded between Japan and China;

8 "4. No annexation, no indemnities;

9 "5. Independence of Manchoukuo.

10 "III.

11 "Immigration to China.

12 "The stipulation regarding large-scale  
13 immigration to China has been deleted because it  
14 might give an impression, maybe a mistaken impression,  
15 to the Japanese people who have been offended by the  
16 past immigration legislation of the United States,  
17 that America is now taking a dictating attitude even  
18 toward the question of Japanese immigration in China.

19 "Actually, the true meaning and purpose of  
20 this stipulation is fully understood and accepted by  
21 the Japanese Government.

22 "IV.

23 "Naval, Aerial and Mercantile Marine Relations.

24 "(a) and (c) of this section have been  
25 deleted not because of disagreement but because it

1 would be more practical, and possible, to determine  
2 the disposition of naval forces and mercantile marine  
3 after an understanding has been reached and relations  
4 between our two countries improved; and after our  
5 present China commitments are eliminated. Then we will  
6 know the actual situation and can act accordingly.

7 "Courtesy visit of naval squadrons.

8 "This proposal, (b) of IV might better be  
9 made a subject of a separate memorandum. Particular  
10 care must be taken as to the timing, manner and scope  
11 of carrying out such a gesture.

12 "V.

13 "Gold Credit.

14 "The proposal in the second paragraph of V  
15 has been omitted for the same reasons as suggested the  
16 omission of paragraphs (a) and (c).

17 "VI.

18 "Activity in Southwestern Pacific Area.

19 "The words, in the first paragraph, 'without  
20 resorting to arms,' have been deleted as inappropriate  
21 and unnecessarily critical. Actually, the peaceful  
22 policy of the Japanese Government has been made clear  
23 on many occasions in various statements made both by  
24 the Premier and the Foreign Minister.

25 "VIII (VII).

1                   "Political Stabilization in the Pacific Area.

2                   "As the paragraph (a) implying military and  
3                   treaty obligation would require, for its enactment,  
4                   such a complicated legislative procedure in both  
5                   countries, we consider it inappropriate to include  
6                   this in the present understanding.

7                   "Paragraph (b) regarding the independence  
8                   of the Philippine Islands has been altered for the  
9                   same reason.

10                  "In paragraph (c) (d) the words 'and to  
11                  the Southwestern Pacific Area' have been omitted  
12                  because such questions should be settled, as necessity  
13                  arises, through direct negotiation with the authorities  
14                  in the Southwestern areas by the Governments of the  
15                  United States and of Japan respectively.

16                   "Conference.

17                  "The stipulation for holding a Conference  
18                  has been deleted. We consider that it would be better  
19                  to arrange, by an exchange of letters, that a conference  
20                  between the President and the Premier or between suit-  
21                  able representatives of theirs will be considered when  
22                  both the United States and Japan deem it useful to  
23                  hold such a conference after taking into due con-  
24                  sideration the effect resulting from the present  
25                  understanding. "

1                   "Announcement.

2                    "In regard to the statement to be issued  
3                   on the successful conclusion of the present under-  
4                   standing a draft will be prepared in Tokyo and  
5                   cabled to Washington for the consideration of the  
6                   United States Government."  
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1           We offer in evidence I. P. S. document  
2           No. 220C (27) from exhibit for identification 58,  
3           Volume II. This is a draft suggestion from the  
4           Secretary of State to the Japanese Ambassador on  
5           May 16, 1941.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLEK OF THE COURT: Prosecution's docu-  
8           ment No. 220C (27) will receive exhibit No. 1071.

9           (Whereupon, the document above  
10          referred to was marked prosecution's  
11          exhibit No. 1071 and received in evidence.)

12          MR. E. WILLIAMS: We read prosecution's  
13          exhibit No. 1071:

14          "(Annex 2)

15          "DRAFT SUGGESTION A HANDED BY THE SECRETARY  
16          OF STATE TO THE JAPANESE AMBASSADOR ON MAY 16, 1941.

17          "II. THE ATTITUDES OF THE UNITED STATES  
18          AND OF JAPAN TOWARD THE EUROPEAN WAR.

19          "The Government of Japan declares that the  
20          purpose of its Axis Alliance was and is defensive and  
21          is designed to prevent the nations which are not at  
22          present engaged in the European war from participating  
23          therein, and declares that its obligations of military  
24          assistance under the Tripartite Pact between Germany,  
25          Japan and Italy come into force only if and when one



1 of the parties of the pact is aggressively attacked  
2 by a power not at present involved in the European  
3 hostilities.

4 "The Government of the United States de-  
5 clares that its attitude toward the European hostili-  
6 ties is and will continue to be determined solely  
7 and exclusively by considerations of protection and  
8 self-defense: its national security and the defense  
9 thereof.

10 "The Government of Japan further declares  
11 that it is under no commitment under its Axis Alliance  
12 or otherwise which is inconsistent with the terms of  
13 the present declaration of policy and intention agreed  
14 upon between the Government of Japan and the Government  
15 of the United States.

16 "(Annex 3)

17 "DRAFT SUGGESTION B HANDED BY THE SECRETARY  
18 OF STATE TO THE JAPANESE AMBASSADOR ON MAY 16, 1941.

19 "III. CHINA AFFAIRS.

20 "When this declaration of policy and in-  
21 tention, including the provisions of this section,  
22 is agreed upon and both Governments have given it  
23 their approval and commitment, the President of the  
24 United States will suggest to the Government of Japan  
25 and the Government of China that those Governments

1 enter into a negotiation for a termination of  
2 hostilities and resumption of peaceful relations  
3 on a basis as follows:

4 "a. Neighborly friendship.

5 "b. Mutual respect of sovereignty and  
6 territories.

7 "c. Withdrawal of Japanese troops from  
8 Chinese territory in accordance with a schedule  
9 to be agreed upon.

10 "d. No annexation.

11 "e. No indemnities.

12 "f. Equality of commercial opportunity  
13 in terms of and with conditions of fair treatment  
14 for all concerned.

15 "g. Parallel measures of defense against  
16 subversive activities from external sources.

17 "h. The question of the future of Man-  
18 churia to be dealt with by friendly negotiations.

19 "(Annex 4)

20 "DRAFT SUGGESTION C HANDED BY THE SECRETARY  
21 OF STATE TO THE JAPANESE AMBASSADOR ON MAY 16, 1941.

22 "V. ECONOMIC ACTIVITY OF BOTH NATIONS IN  
23 THE SOUTHWESTERN PACIFIC AREA.

24 "On the pledged basis of guarantee that  
25 Japanese activity and American activity in the

1 Southwestern Pacific area shall be carried on by  
2 peaceful means, the Japanese Government and the  
3 Government of the United States agree to cooperate  
4 each with the other toward ensuring on the basis of  
5 equality of opportunity equal access by Japan and  
6 by the United States to supplies of natural resources  
7 (such as oil, rubber, tin, nickel) which each coun-  
8 try needs for the safeguarding and development of  
9 its own economy."  
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1 We offer in evidence IPS document 219P (75)  
2 from exhibit for identification 58, Volume I. This  
3 is an excerpt from statement of Mr. Grew to MATSUOKA,  
4 dated May 17, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document  
7 No. 219P (75) will receive exhibit No. 1072.

8 (Whereupon, the document above re-  
9 ferred to was marked prosecution's exhibit  
10 No. 1072 and received in evidence.)

11 MR. E. WILLIAMS: We read prosecution's  
12 exhibit No. 1072:

13 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)  
14 TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS  
15 (MATSUOKA)

16 "Excerpt.

17 No. 1802

"TOKYO, May 17, 1941.

18 "EXCELLENCY: With reference to my note No.  
19 1793 of May 6, 1941, concerning repeated indiscrimi-  
20 ate bombing of Kunming by Japanese aircraft, and the  
21 consequent danger to American lives and damage to  
22 American property, I have the honor to inform Your  
23 Excellency that the American Consul at Kunming has  
24 reported that the Consulate was again damaged during  
25 a Japanese air raid on May 12, 1941. Fragments of

1 bombs were scattered in the Consulate Compound and  
2 one piece broke through a window into a residence  
3 bedroom.

4 "Moreover, during this same raid, the larger  
5 part of the Compound occupied by Mr. Stanley McGeary,  
6 an American clerk of the Consulate, was destroyed  
7 and his residence so damaged as to render it barely  
8 habitable, and for the third time recently the  
9 China Inland Mission, where a number of Americans  
10 live, was damaged and the residence there of Mr. E.  
11 L. Crapuchettes, an American citizen, was partly  
12 demolished."

13 We now tender in evidence IPS document No.  
14 4060-A which is a document taken from the Nuernberg  
15 files and is a telegram from Ott to Ribbentrop, dated  
16 May 18, 1941, and is numbered 85,107-8.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document  
19 No. 4060-A will receive exhibit No. 1073.

20 (Whereupon, the document above re-  
21 ferred to was marked prosecution's exhibit  
22 No. 1073 and received in evidence.)

23 MR. E. WILLIAMS: We now read prosecution's  
24 exhibit No. 1073:  
25



1 "Telegram (Secret Cipher Process)

2 "Tokyo, 18 May 1941 Arrival 18 May 1941

3 "No. 759 of 17 May

4 "Marginal Note: Sent on to FUSCHL under  
5 No. 1573 18 May 3.25 hours Tel. Ktr.

6 "For the German Foreign Minister

7 "Re: Telegram of 15th, No. 622.

8 "Today I have carried out the instructions  
9 of the above mentioned telegram during a long con-  
10 versation with Foreign Minister MATSUOKA.

11 "I stressed the especially immense regret  
12 of the German Government that the German views of 11  
13 May were not awaited before the reply to WASHINGTON  
14 was sent off. Making use of the arguments of tele-  
15 gram No. 592 of 11 May and No. 622 of 15 May, I have  
16 pointed to the necessity of making America give the  
17 most clear and precise assurance not to participate  
18 in the European conflict; I also pointed out that the  
19 formulation employed in the Japanese reply re Article  
20 3 of the Tripartite Pact, constitutes the absolute  
21 minimum of what must be demanded in view of the Tri-  
22 partite Pact. The German Government must insist on  
23 being immediately informed on the American reply, as  
24 well as to be admitted to further negotiations be-  
25 tween JAPAN and the USA."

1 "MATSUOKA pointed to his oral communication  
2 to HULL, reported in telegram No. 733 of (groups  
3 garbled), as well as to his conversations with the  
4 British and American ambassadors, reported in tele-  
5 gram 750 of 15 May, which showed that he would not  
6 jolt the Tripartite Pact. During a secret Cabinet  
7 Session he had called upon all members of the Govern-  
8 ment clearly to acknowledge Japan's obligations under  
9 the Tripartite Pact on their part too, in all of their  
10 conversations. All members of the Cabinet had agreed  
11 unanimously. Besides he views the chances of the  
12 Japanese-American Negotiations most skeptically, and  
13 as heretofore he counts on America's entry into the  
14 War in the near future. His sole motive in the neg-  
15 otiations with USA is, if possible, to postpone or  
16 prevent the entry of the United States into the war  
17 and furthermore to eliminate the increase of the  
18 present American assistance to England.

19 "HULL has not yet taken a stand regarding  
20 the Japanese proposal, merely promising a study which  
21 would take a certain amount of time. He will immed-  
22 iately inform us of the American reply, also keeping  
23 abreast, and as far as possible consulting with the  
24 allied governments of Germany and Italy on the fur-  
25 ther course of the negotiations. When I demanded to

1 be admitted to the coming phase, he replied that he  
2 would meet our desire to a great extent; he could,  
3 however, not promise always to await the views of the  
4 Axis powers, especially when a quick utterance was  
5 absolutely essential. I cogently requested MATSUOKA  
6 to do nothing without Japan's allies in these nego-  
7 tiations, which concerned the Tripartite Pact in its  
8 entirety.

9 "Domestic political influences, to whose  
10 pressure MATSUOKA has yielded in the face of the  
11 allegedly imminent American entry into the War, can  
12 be found among certain anglophiles of the Court,  
13 such as Imperial Household Minister MATSUDAIRA, ex-  
14 ponent of industry and big money, such as Minister  
15 Without Portfolio OGURA, and some influential Navy  
16 officers with whom Ambassador Admiral OPTURA/TN:  
17 NOMURA/ has apparently worked together in WASHINGTON.  
18 This group was joined by elements of the army who  
19 want to gain time in order to retain freedom of  
20 action in view of the uncertainty of RUSSIA's future  
21 attitude. Minister of the Interior, HIRANUMA, has  
22 probably acted in the same way; he had to resign when  
23 the German-Russian non-aggression pact was concluded,  
24 being a champion of a German-Japanese alliance against  
25 RUSSIA. Finally, the activist group which is closely

1 working together with the Embassy, is at present  
2 weakened by the serious illness of SHIRATORI who  
3 was left the political struggle on account of a  
4 serious and apparently incurable illness.

5 "OTT"  
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1 We now offer in evidence IPS document No.  
2 220C (18) from exhibit for identification 58, Volume  
3 II, which is an excerpt from a summary of conversa-  
4 tions prepared by the Department of State on May 19,  
5 1942 but relating to conversations between United  
6 States and Japan in 1941.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document  
9 No. 220C (18) will receive exhibit No. 1074.

10 (Whereupon, the document above re-  
11 ferred to was marked prosecution's exhibit  
12 No. 1074 and received in evidence.)

13 MR. E. WILLIAMS: We read prosecution's  
14 exhibit No. 1074:

15 "SUMMARY OF CONVERSATIONS

16 "MEMORANDUM PREPARED IN THE DEPARTMENT OF STATE

17 "(WASHINGTON,) MAY 19, 1942.

18 "ACCOUNT OF INFORMAL CONVERSATIONS BETWEEN THE GOVERN-  
19 MENT OF THE UNITED STATES AND THE GOVERNMENT OF JAPAN,  
20 1941.

21 "Excerpts.

22 "The equilibrium in the Far East which had  
23 been established by the Washington Conference treaties  
24 of 1921-1922 became seriously disturbed by the setting  
25 up by forceful means in a part of China of a regime



1 under Japanese control under the name of "Manchukuo".  
2 This control over Manchuria has been marked by the  
3 carrying out of a policy of discrimination which has  
4 resulted in forcing out American and other foreign  
5 interests.

6 "During the years that followed, Japan went  
7 steadily forward in her preparations for expansion by  
8 force of arms. In December 1934, she gave notice of  
9 her intention to terminate the naval treaty of Feb-  
10 ruary 6, 1922. She then proceeded with intensified  
11 construction of military and naval armaments, at the  
12 same time undertaking, from time to time, limited  
13 actions directed toward an extension of her domination  
14 over China and involving disregard and destruction of  
15 the lawful rights and interests of other countries, in-  
16 cluding the United States.

17 "In July 1937, the armed forces of Japan  
18 embarked upon large-scale military operations against  
19 China. Invading forces of more than a million men oc-  
20 cupied large areas along the seaboard and in the cen-  
21 tral provinces. In these areas there were set up  
22 puppet regimes which instituted systems of controls  
23 and monopolies discriminatory in favor of the inter-  
24 ests of the invading country.

25 "It has been clear throughout that Japan

1 under Japanese control under the name of "Manchukuo".  
2 This control over Manchuria has been marked by the  
3 carrying out of a policy of discrimination which has  
4 resulted in forcing out American and other foreign  
5 interests.

6 "During the years that followed, Japan went  
7 steadily forward in her preparations for expansion by  
8 force of arms. In December 1934, she gave notice of  
9 her intention to terminate the naval treaty of Feb-  
10 ruary 6, 1922. She then proceeded with intensified  
11 construction of military and naval armaments, at the  
12 same time undertaking, from time to time, limited  
13 actions directed toward an extension of her domination  
14 over China and involving disregard and destruction of  
15 the lawful rights and interests of other countries, in-  
16 cluding the United States.

17 "In July 1937, the armed forces of Japan  
18 embarked upon large-scale military operations against  
19 China. Invading forces of more than a million men oc-  
20 cupied large areas along the seaboard and in the cen-  
21 tral provinces. In these areas there were set up  
22 puppet regimes which instituted systems of controls  
23 and monopolies discriminatory in favor of the inter-  
24 ests of the invading country.

25 "It has been clear throughout that Japan

1 under Japanese control under the name of "Manchukuo".  
2 This control over Manchuria has been marked by the  
3 carrying out of a policy of discrimination which has  
4 resulted in forcing out American and other foreign  
5 interests.

6 "During the years that followed, Japan went  
7 steadily forward in her preparations for expansion by  
8 force of arms. In December 1934, she gave notice of  
9 her intention to terminate the naval treaty of Feb-  
10 ruary 6, 1922. She then proceeded with intensified  
11 construction of military and naval armaments, at the  
12 same time undertaking, from time to time, limited  
13 actions directed toward an extension of her domination  
14 over China and involving disregard and destruction of  
15 the lawful rights and interests of other countries, in-  
16 cluding the United States.

17 "In July 1937, the armed forces of Japan  
18 embarked upon large-scale military operations against  
19 China. Invading forces of more than a million men oc-  
20 cupied large areas along the seaboard and in the cen-  
21 tral provinces. In these areas there were set up  
22 puppet regimes which instituted systems of controls  
23 and monopolies discriminatory in favor of the inter-  
24 ests of the invading country.

25 "It has been clear throughout that Japan

1 has been actuated from the start by broad and ambitious  
2 plans for establishing herself in a dominant position  
3 in the entire region of the Western Pacific. Her  
4 leaders have openly declared their determination to  
5 achieve and maintain that position by force of arms  
6 and thus to make themselves masters of an area con-  
7 taining almost one-half of the entire population of  
8 the world. As a consequence, they would have arbi-  
9 trary control of the sea and trade routes in that  
10 region.

11 "Previous experience and current develop-  
12 ments indicate that the proposed "new order" in the  
13 Pacific area means, politically, domination by one  
14 country. It means, economically, employment of the  
15 resources of the area concerned for the benefit of  
16 that country and to the ultimate impoverishment of  
17 other parts of the area and exclusion of the interests  
18 of other countries. It means, socially, the destruc-  
19 tion of personal liberties and the reduction of the  
20 conquered peoples to the role of inferiors.

21 "It should be manifest to every person that  
22 such a program for the subjugation and ruthless ex-  
23 ploitation by one country of nearly one-half of the  
24 population of the world is a matter of immense signi-  
25 ficance, importance and concern to every other nation



1 wherever located.

2 "Notwithstanding the course which Japan has  
3 followed during recent years, this Government has made  
4 repeated efforts to persuade the Japanese Government  
5 that her best interests lie in the development of  
6 friendly relations with the United States and with  
7 other countries which believe in orderly and peaceful  
8 processes among nations. We have at no time made any  
9 threats."

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1           We offer in evidence IPS document No. .  
2 1383B (18), a telegram from OSHIMA to MATSUOKA, dated  
3 May 20, 1941.

4           THE PRESIDENT: Admitted on the usual terms.

5           CLERK OF THE COURT: Prosecution's document  
6 No. 1383B (18) will receive exhibit No. 1075.

7           (Whereupon, the document above re-  
8 ferred was marked prosecution's exhibit No.  
9 1075 and received in evidence.)

10          MR. E. WILLIAMS: We read prosecution's  
11 exhibit No. 1075:

12           "Copy of the Telegram of Ambassador OSHIMA  
13 to Foreign Minister MATSUOKA, dispatched on 20 May  
14 (T.N. Year is missing) (1941?) No. 567

15           "In connection with the rumor that you are  
16 going to America, I heard various rumors here concern-  
17 ing the problems of the negotiation between Japan  
18 and America. Although from the interview with  
19 Ribbentrop on 5th May, I learned that it was not a  
20 mere rumor. Although I intended to go on without  
21 touching this matter, in view of the tendency of  
22 this matter, and considering the future of Japan and  
23 of the influence of the Tripartite Pact, I can not  
24 remain without some deep thoughts. As I believe that  
25 it is my duty to inform you of the opinion of the

1 German staff and also of my frank opinion, I send  
2 the separate telegrams No. 568 and No. 569.

3 "What I want to mention to you now is as  
4 follows:

5 "You showed me the reason why you did not  
6 inform this matter to the Italian Ambassador in Ger-  
7 many two times recently. However, presently I have  
8 no intentions of sounding out the problem of the con-  
9 fidence in me or of my position towards the people  
10 during the present critical period when the whole of  
11 our nation should act upon the 'Way of the Imperial  
12 Subjects' as its primary principle. Much less do I  
13 try to sound your opinion, for the practice and tech-  
14 nique of diplomacy belong to your department.

15 "But what I cannot understand is that you  
16 think it is unnecessary to have me report the opin-  
17 ions of the Staffs of Germany and Italy, when the  
18 Japanese-American Agreement which has a very delicate  
19 relation with the Tripartite Pact, is about to be con-  
20 cluded. Therefore, from the standpoint of my duty  
21 as an Ambassador to Germany, I could not keep silent,  
22 and I expressed my opinion frankly in the separate  
23 telegrams, although it might be unnecessary. I beg  
24 you to take these circumstances into consideration.  
25 (End) "

1 "Copy of the Telegram from Ambassador  
2 OSHIMA to Foreign Minister MATSUOKA. No. 568

3 "1. On 3rd May Foreign Minister RIBBENTROP  
4 asked me to visit him. When I called on him I was in-  
5 formed about the telegram regarding the Japanese-  
6 American negotiation. He said that although the tel-  
7 egram was to be kept a secret from me and the Italian  
8 Ambassador, as a friend to me, he revealed it to me  
9 for my personal understanding, since the matter is  
10 extremely serious. He then showed me the draft re-  
11 garding the agreement proposed by America on 16 April.  
12 The draft consisted of four articles. He (RIBBENTROP)  
13 confessed that he was quite at a loss to understand  
14 the real intention of the Japanese government, so I  
15 answered him that Japan was observing the Tripartite  
16 Pact as the basis of its diplomacy, as you (Foreign  
17 Minister MATSUOKA) had clearly stated on your previ-  
18 ous visit to Germany. I further told him that, accord-  
19 ingly, there was no reason to conclude such a treaty  
20 between Japan and America contrary to the Tripartite  
21 Pact. Thus, I avoided being concerned in this matter.

22 "2. But on 9th of May RIBBENTROP asked me  
23 to visit him again, and he showed me OTT's telegram  
24 of the draft of the intermediary answer of Japan to  
25 America and also the telegraphic record of the con-



1       ference between you and OTT which was held on 6th  
2       of May. RIBBENTROP seemed to have understood the  
3       affair clearly from the frequent telegrams sent by  
4       OTT, and according to the said intermediate reply,  
5       it is supposed that Japan has consulted regarding  
6       the understanding with America to a considerable ex-  
7       tent, and to tell you frankly, according to the in-  
8       formations that Germany has gathered, from various  
9       sources, there is a report that the proposal was made  
10      by Japan. Gathering from the conversation of For-  
11      eign Minister MATSUOKA and OTT, it seems to me that  
12      Foreign Minister MATSUOKA was compelled by a certain  
13      group to consent to it. Moreover, it is reported  
14      that Foreign Minister MATSUOKA during the course of  
15      that conference stated that Japan will participate  
16      in a Russo-German war, if it should break out. When  
17      Foreign Minister MATSUOKA visited Germany recently,  
18      he said, as his personal opinion, that Japan was going  
19      to attack SINGAPORE, but it seems that you have  
20      changed your opinion.

21               "I have some doubts as to the true inten-  
22      tion of ROOSEVELT.

23               "If you should become obliged to conclude  
24      this agreement in order to avoid the participation  
25      in a remotely possible war, the Tripartite Pact would

1 in reality become meaningless even if it may be poss-  
2 ible to hit upon some legal pretext. Moreover, I  
3 believe that in Japan's progress, she will lose the  
4 chance to establish her right for leadership in East  
5 Asia. After lengthy thoughts concerning this prob-  
6 lem, I thought of the following two plans from the  
7 German viewpoint.

8 "(a) Plan to refuse the proposal of Ameri-  
9 ca.

10 "(b) Plan to conclude the Japanese-Ameri-  
11 can agreement under the condition that America main-  
12 tain a neutral attitude without extending 'convoy'  
13 patrol lines.

14 "RIBBENTROP asked my (Ambassador OSHIMA)  
15 opinion, saying that he wished to report plan (a)  
16 to the Fuhrer as he believed it to be a good one.  
17 Therefore, although I did not receive any instruction,  
18 I conjectured the intention of the Japanese government  
19 from common sense, and, as my personal opinion, insis-  
20 ted upon plan (b) explaining that (b) would be much  
21 more advantageous to Germany. The reasons that I ex-  
22 plained to RIBBENTROP were as follows:

23 "If plan (b) are adopted, Germany will be  
24 able to fight a single combat against Britain and  
25 terminate the war in a short time. Again, although



1 it might be wishful thinking, perhaps the 'ROOSEVELT  
2 faction' may recognize the fact that America's assis-  
3 tance to Britain would be useless, and would make it  
4 a reason to alleviate America's assistance to Britain.

5 "Even in case of its failure, it is useful  
6 at least for ascertaining ROOSEVELT's actual inten-  
7 tions concerning the assistance to Britain. Thirdly,  
8 it will enable those Japanese who want the cooperation  
9 with America to realize its impossibility. However,  
10 RIBBENTROP said that America would utilize this nego-  
11 tiation to estrange Japan from Germany, as long as  
12 this negotiation continued, and he ~~repeated the same~~ *cited the content of*  
13 ~~thing in~~ telegram No. 545 (dispatched to TURKEY, No.  
14 11). He further stated that it is possible for America  
15 to utilize it as propaganda material to convince the  
16 anti-war faction in America that America could now  
17 advance to the Atlantic Ocean because of the  
18 elimination of apprehension in Pacific area, and  
19 consequently the situation would become very dangerous  
20 to Germany. Therefore, he did not agree with my  
21 opinion, and said that at any rate this problem has  
22 not yet been decided by the Fuhrer, so he wanted  
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1 to send a telegram on the evening of the same day  
2 to the Fuhrer, who was out of BERLIN, for a decision.  
3 At the same time, he wished to report my opinion to  
4 the Fuhrer. Then I asked him whether or not he  
5 had consulted with Italy already. To my question  
6 he answered that Italy had already received all  
7 the reports from Ambassador INDERLI, but he had  
8 not yet consulted directly with the Italian govern-  
9 ment, but that as soon as he received the decision  
10 of the Fuhrer, he wished to send the telegram to  
11 OTT so that he might consult Italy.

12 "2. As I made a promise to Prime Minister  
13 MUSSOLINI to visit him at the beginning of this  
14 month, I started for ROME on the night of the 10th.  
15 On the morning of the 12th, Minister BISMARCK visited  
16 me, and by orders of RIBBENTROP, he showed me the  
17 telegraphic instructions to OTT and added that the  
18 Italian government had the same opinion as Germany.  
19 After I read that instruction, I recognized that the  
20 Fuhrer had made a different decision from that of  
21 RIBBENTROP. In the afternoon of 13th, RIBBENTROP  
22 flew unexpectedly to ROME and met MUSSOLINI and  
23 CIANO on the same day, and asked me to visit him  
24 on the morning of the 14th. When I went to see  
25 him, he showed me the telegram from OTT concerning

1 the interview on the 12th, between you (Foreign  
2 Minister MATSUOKA) and the two Ambassadors of  
3 Germany and Italy in Tokyo. He expressed deep  
4 discontentment at your statement that you had  
5 been in a position where you were compelled to  
6 commence with the negotiation with America and  
7 that because of internal reasons, you were unable  
8 to await the arrival of opinions from Germany and  
9 Italy. He asked reproachfully why couldn't you  
10 await the telegraphic instructions when they were  
11 sure to arrive in several days. I told him that  
12 although I was not aware of the circumstances,  
13 I guessed that Japan was compelled to take such  
14 a measure because of the following reasons: It  
15 was necessary for Japan to conclude the agreement  
16 as soon as possible to maintain secrecy, and in  
17 Japan such important negotiations as this must be  
18 privately reported to the Emperor. I added that  
19 I believed that the agreement was not made out of  
20 inconsideration to Germany and Italy. RIBBENTROP,  
21 however, would not readily accept my words. He  
22 said that when you (Foreign Minister MATSUOKA)  
23 visited Germany, he met you (MATSUOKA) many times  
24 but he did not hear anything substantial concerning  
25 the Japanese-American agreement which is closely



1 related to the Tripartite Pact. He said that it  
2 came as a great surprise to him when he received  
3 such a report soon after you (Foreign Minister  
4 MATSUOKA) returned to Japan. He continued that  
5 frankly he was much afraid that the agreement might  
6 make the Tripartite Pact automatically meaningless.  
7 He also said that as he (RIBBENTROP) had remarked  
8 the other day, he did not believe ROOSEVELT from  
9 the very beginning, and that although his opinion  
10 was to advise Japan to refuse the American proposal  
11 he had to send a telegraphic instruction contrary  
12 to his own opinion. Hearing that I told him that  
13 it was a great pity to have a misunderstanding  
14 between Japan and Germany concerning this matter,  
15 so I gave advice to him that it was very necessary  
16 to inform OTT of his opinion, to make the facts  
17 clear and certain. When I visited Foreign Minister  
18 CIANO on the evening of the same day, it seemed that  
19 an interview had already taken place between RIBBENTROP,  
20 MUSSOLINI and CIANO, since CIANO expressed the same  
21 opinion as RIBBENTROP.  
22

23 "3. No sooner did I return to BERLIN on  
24 May 17th, than I was asked by Vice Minister WEISEGGER  
25 to visit him. When I called on him, he, by the  
telegraphic order of RIBBENTROP at FUSSELL, showed

1 me a draft of Japan's answer to America which was  
2 telegraphed by OTT on the 14th, and the draft of  
3 the instruction of the German government to OTT  
4 concerning Japan's answer to America. He (WEISEGGER)  
5 said that as he received the order only to show me  
6 (Ambassador OSHIMA) the telegram, he will not express  
7 any opinion, but that in view of the present political  
8 situation, the German government had a deep concern  
9 about the result of this problem. He added that  
10 the German government attached great importance to  
11 Foreign Minister MATSUOKA's statement to OTT to  
12 the effect that Japan would attack the U.S.S.R.  
13 in case of a Russo-German war. He (WEISEGGER)  
14 then asked me whether or not Foreign Minister  
15 MATSUOKA understood the true state of affairs  
16 between Germany and Russia when he returned from  
17 his stay in Germany. I told him that I did not  
18 know what the Foreign Minister had revealed con-  
19 cerning Japan's attitude toward a Russo-German  
20 war, but that in Japan, such an important matter  
21 as this should be decided by the Emperor, and that  
22 probably Foreign Minister MATSUOKA must have expressed  
23 his personal opinion. I further added that since  
24 the Foreign Minister had many interviews with Foreign  
25 Minister RIBBENTROP during his stay in Germany I had



1 no doubt that you (MATSUOKA) were aware of the real  
2 relationship between Germany and Soviet Russia. (End) "  
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1 "Telegram No. 569 sent by Ambassador  
2 OSHIMA to Foreign Minister MATSUOKA.

3 "1. As I reported in the separate telegram,  
4 the German government has a deep dissatisfaction con-  
5 cerning the problem of the Japanese-American agreement,  
6 and has much apprehension about the future of the  
7 Tripartite Pact. Since America is actually partici-  
8 pating in the war, if Japan, ignoring the present  
9 circumstances, should conclude an agreement with America,  
10 it would be very natural for Germany to suspect that  
11 Japan is trying to check America's participation in  
12 the war, and at the same time trying to avoid her own  
13 obligation of participating in the war. When you came  
14 to Germany, all the people in Germany heartily wel-  
15 comed you, and delighted in the strengthening of the  
16 'Axis'. Since this is directly after that occasion,  
17 the feeling that Germany was betrayed is very strong.

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19 "2. I am well aware of Japan's desire to  
20 solve the China Incident as soon as possible in order  
21 to have time to spare for politics, economy and other  
22 fields. However, the European war is developing very  
23 favourably for Germany and Italy. In a few months,  
24 very important developments are expected, and if at  
25 this time Japan should lose the confidence and trust  
of Germany and Italy who will become the leaders in

1 Europe, simply for an immediate profit, it is very  
2 unfavourable. Needless to say, America seems to have  
3 proposed the agreement as a temporary measure for es-  
4 tranging Japan from the Tripartite Alliance. I am  
5 afraid that such a two-faced diplomacy should lead Japan  
6 to an absolute international isolation during the cri-  
7 tical period which may arise after the war.

8 "3. Aside from the point that if Japan solves  
9 the China Incident with the support of America, she  
10 will leave an uneradicated root of future calamity, I  
11 express my apprehension that should Japan lose this op-  
12 portunity to expand southward and the possibility of  
13 attacking SINGAPORE at random, she will invite the con-  
14 tempt of not only America and Britain, but also those  
15 of Germany and Italy. And, should America, taking  
16 advantage of the elimination of fear in the Pacific  
17 area, reinforce her assistance to Britain, the devel-  
18 opment of the European War would greatly be affected  
19 although America may avoid nominal participation in  
20 the war. Subsequently, Japan may suffer from some un-  
21 expected calamity. Moreover, should Japan abandon her  
22 right to leadership in the Southern regions for the  
23 sake of America, it is clear that Japan cannot stress  
24 the leadership to Germany and Italy. This will mean  
25 that Japan abandoned her great mission to establish



1 a new order in the Greater East Asia.

2 "4. Last autumn, Japan concluded the Tripar-  
3 tite Pact, and the road our people should follow was  
4 made clear. But, if Japan should conclude the Japa-  
5 nese-American Agreement now, our people in Japan would  
6 be bewildered as to which path they should follow.  
7 Moreover, our friendly countries will despise Japan  
8 and will not trust Japan any longer. Subsequently,  
9 Japan will fall into international isolation, and will  
10 gain nothing. Therefore, I hope earnestly that the  
11 Japanese Government will embody the following two  
12 points, if the conclusion of the agreement is unev-  
13 able:

14 "(a) As conditions to the conclusion of the  
15 Japanese-American Agreement, it is absolutely necessary  
16 for Japan that she should make use of her situation  
17 over America, and establish the idea of the Tripartite  
18 Pact, by upholding the principle that Japan is to facil-  
19 itate the battle of Germany and Italy against Britain.  
20 Again, Japan should demand America's neutrality in  
21 the European war, and at the same time, make clear that  
22 Japan has an obligation to participate in the war,  
23 based upon the Tripartite Pact. If America does not  
24 accept our proposal, Japan must not conclude the agree-  
25 ment."

1           "(b) It is most unfavourable for Japan to  
2     give the impression to Germany and Italy that the Japa-  
3     nese government is compelled to conclude the agree-  
4     ment on account of the increasing influence of a party  
5     in Japan that wants status quo. The conclusion of  
6     the Japanese-American agreement will only make Germany  
7     and Italy increasingly suspect that Japan took this  
8     action in order to avoid the obligation to participate  
9     in the war. Therefore, concerning the Japanese-Ameri-  
10    can negotiation, Japan has to exchange frank opinions  
11    with Germany and Italy, and must thoroughly convince  
12    Germany and Italy about the purport of article (a)."  
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1 MR. E. WILLIAMS: Offering in evidence  
2 IPS document No. 1383-B (20), a telegram from OSHIMA  
3 to Foreign Minister MATSUOKA, dated May 21, 1941.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 1383-B (20) will receive exhibit No. 1076.

7 (Whereupon, the document above re-  
8 ferred to was marked prosecution's exhibit  
9 No. 1076 and received in evidence.)

10 MR. E. WILLIAMS: We read prosecution's  
11 exhibit No. 1076:

12 "Minister - Vice-Minister. submitted separately.  
13 Chief of AMERICA Bureau. Chief of EUROPE-ASIA Bureau.  
14 Translator's Note. These notations were marked in  
15 the margin.

16 "SECRET -- Embassy CHO Code.

17 "(Translator's Note. In the copy, there are 2  
18 stamps indicating TOP SECRET.)

19 "Dispatched A.M. May 21, 1941 from BERLIN.

20 "Arrived P.M. May 21, 1941 this office.

21 "To the Foreign Minister from Ambassador OSHIMA.

22 "No. 575.

23 "The JAPANESE-AMERICAN Agreement now under  
24 negotiation, is thought to be important change in  
25 the national policy, and it concerns greatly with

1 the plans of the JAPANESE military and naval  
2 attaches in Germany. Therefore, recognizing the  
3 fact that it is necessary to transmit this agreement  
4 to them beforehand, telegrams No. 567, No. 568, and  
5 No. 569 were sent exclusively to both attaches today,  
6 the 20th. As regards this matter, I wish you will  
7 inform the War Minister, the Naval Minister, the  
8 Chief of General Staff, and the Chief of the Navy  
9 General Staff."

10 THE PRESIDENT: Mr. Chief of Counsel.

11 MR. KEENAN: May it please the Tribunal, we  
12 offer in evidence IPS document 220C (28) from ex-  
13 hibit for identification 58, Volume 2, an excerpt  
14 from memorandum of conversation between Ambassador  
15 Morris and the Secretary of State, 28 May 1941.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document  
18 No. 220C (28) will receive exhibit No. 1077.

19 (Whereupon, the document above re-  
20 ferred to was marked prosecution's exhibit No.  
21 1077 and received in evidence.)

22 MR. KEENAN: (heading)

23 "MEMORANDUM OF A CONVERSATION. (WASHINGTON)  
24 May 28, 1941.

25 "The Ambassador commented that under the

1 Japanese consitutional system other ministers in  
2 addition to the Foreign Minister are consulted in  
3 matters relating to foreign policy.

4 "The Secretary said that in his consideration  
5 of the matters we have been exploring a difficulty  
6 has been presented by questions involving the re-  
7 lations of our respective countries toward the  
8 European war. Mr. MATSUOKA since his return from  
9 Europe, according to reports widely published in the  
10 press, has been making declarations on every occasion  
11 in regard to Japan's obligations under the Tri-  
12 partite Alliance in the matter of supporting Ger-  
13 many in the event of American entry into the war.  
14 He said that, if we went into an agreement with  
15 Japan, critics would assert, unless the Japanese  
16 Government could clarify its attitude toward its ob-  
17 ligations under the Tripartite Alliance in the event  
18 that the United States should be drawn into the  
19 European war through action in the line of self-  
20 defense, that there was no assurance as to Japan's  
21 position. The Secretary referred to the President's  
22 speech of the previous evening and reviewed that the  
23 Secretary had previously said publicly and also to  
24 the Ambassador in regard to the attitude of this  
25 country toward maintaining the freedom of the seas



1 against Hitler as an essential measure of self-  
2 defense.

3 "The Secretary then brought up the question of  
4 the withdrawal of Japanese troops from China and  
5 asked the Ambassador to indicate what the Japanese  
6 Government had in mind.

7 "The Ambassador indicated, in reply to specific  
8 questions, that such evacuation would not include  
9 troops retained in China under the provision of  
10 cooperative defense against communistic activities.  
11 He contemplated an arrangement being negotiated with  
12 China similar to the Boxer Protocol under which  
13 Japanese troops would be stationed for an indefinite  
14 period in North China and Inner Mongolia. The Am-  
15 bassador said he could not indicate approximately  
16 how many troops it was proposed to station in China  
17 under such an arrangement or define precisely the  
18 areas in which the arrangement would be operative.

19 "The Secretary commented that it seemed to him  
20 important that relations between China and Japan should  
21 be adjusted on a basis which would offer permanent  
22 promise of friendship between the two countries; that  
23 the continued presence of Japanese troops in China  
24 would be a factor operating against such friendship,  
25 as the presence of these troops tended to produce  
incidents and friction."

1 MR. KEENAN: Prosecution now offers in evidence  
2 IPS document 220C (29) from exhibit for identification  
3 58, volume 2. This is American draft of proposal,  
4 dated 31 May 1941, handed to Ambassador NOMURA.

5 THE PRESIDENT: Admitted on the usual terms.

6 MR. KEENAN: I wish to state respectfully to  
7 the Court that the prosecution places great emphasis  
8 upon this document for reasons that will be obvious  
9 in its examination.

10 CLERK OF THE COURT: Prosecution's document  
11 No. 220C (29) will receive exhibit No. 1078.

12 (Whereupon, the document above referred  
13 to was marked prosecution's exhibit No. 1078 and  
14 received in evidence.)

15 MR. KEENAN: (Reading)

16 "American Draft Proposal Handed to the  
17 Japanese Ambassador (NOMURA) on May 31, 1941.

18 "Washington, May 31, 1941.

19 "Unofficial, Exploratory and without Commit-  
20 ment.

21 "The Governments of the United States and of  
22 Japan accept joint responsibility for the initiation  
23 and conclusion of a general agreement of understand-  
24 ing as expressed in a joint declaration.

25 "Without reference to specific causes of



1 recent estrangement, it is the sincere desire of both  
2 Governments that the incidents which led to the deter-  
3 ioration of amicable sentiment between their countries  
4 should be prevented from recurrence and corrected in  
5 their unforeseen and unfortunate consequences..

6 "It is our present hope that, by a cooper-  
7 ative effort, the United States and Japan may contri-  
8 bute effectively toward establishment and preservation  
9 of peace in the Pacific area; and, by the rapid con-  
10 summation of an amicable understanding, arrest, if not  
11 dispel, the tragic confusion that now threatens to  
12 engulf civilization.

13 "For such decisive action, protracted negoti-  
14 ations would seem ill-suited and weakening. Both  
15 Governments, therefore, desire that adequate instru-  
16 mentalities should be developed for the realization of  
17 a general understanding which would bind, meanwhile,  
18 both Governments in honor and in act.

19 "It is the belief of the two Governments  
20 that such an understanding should comprise only the  
21 pivotal issues of urgency and not the accessory con-  
22 cerns which could be deliberated at a conference.

23 "Both Governments presume to anticipate that  
24 they could achieve harmonious relations if certain  
25 situations and attitudes were clarified or improved;

1 to wit:

2 "1. The concepts of the United States and  
3 of Japan respecting international relations and the  
4 character of nations.

5 "2. The attitudes of both Governments toward  
6 the European war.

7 "3. Action toward a peaceful settlement be-  
8 tween China and Japan.

9 "4. Commerce between both nations.

10 "5. Economic activity of both nations in the  
11 Pacific area.

12 "6. The policies of both nations affecting  
13 political stabilization in the Pacific area.

14 "7. Neutralization of the Philippine Islands.

15 "Accordingly, the Government of the United  
16 States and the Government of Japan have come to the  
17 following mutual understanding and declaration of  
18 policy:

19 "I. The Concepts of the United States and  
20 of Japan respecting international relations and the  
21 character of nations.

22 "Both Governments affirm that their national  
23 policies are directed toward the foundation of a last-  
24 ing peace and the inauguration of a new era of  
25

1 reciprocal confidence and cooperation among our peoples.

2 "Both Governments declare that it is their  
3 traditional, and present, concept and conviction that  
4 nations and races compose, as members of a family,  
5 one household; each equally enjoying rights and admitting  
6 responsibilities with a mutuality of interests regulated  
7 by peaceful processes and directed to the pursuit of  
8 their moral and physical welfare, which they are bound  
9 to defend for themselves as they are bound not to  
10 destroy for others; they further admit their responsi-  
11 bilities to oppose the oppression or exploitation of  
12 other nations.

13 "Both Governments are firmly determined that  
14 their respective traditional concepts on the character  
15 of nations and the underlying moral principles of  
16 social order and national life will continue to be  
17 preserved and never transformed by foreign ideas or  
18 ideologies contrary to those moral principles and con-  
19 cepts.

20 "II. The attitudes of both Governments toward  
21 the European war.

22 "The Government of Japan maintains that the  
23 purpose of the Tripartite Pact was, and is, defensive  
24 and is designed to prevent the participation of nations  
25 in the European war not at present involved in it."



1 "Obviously, the provisions of the Pact do not apply to  
2 involvement through acts of self-defense.

3 "The Government of the United States maintains  
4 that its attitude toward the European hostilities is  
5 and will continue to be determined solely and exclusive-  
6 ly by considerations of protection and self-defense;  
7 its national security and the defense thereof.

8 "III. Action toward a peaceful settlement  
9 between China and Japan.

10 "The Japanese Government having communicated  
11 to the Government of the United States the general  
12 terms within the framework of which the Japanese Govern-  
13 ment will propose the negotiation of a peaceful settle-  
14 ment with the Chinese Government, which terms are  
15 declared by the Japanese Government to be in harmony  
16 with the KONOYE Principles regarding neighborly friend-  
17 ship and mutual respect of sovereignty and territories  
18 and with the practical application of those principles,  
19 the President of the United States will suggest to the  
20 Government of China that the Government of China and  
21 the Government of Japan enter into a negotiation on a  
22 basis mutually advantageous and acceptable for a ter-  
23 mination of hostilities and resumption of peaceful  
24 relations.  
25

"Note: (The foregoing draft of Section III



1 is subject to further discussion of the question of  
2 cooperative defense against communistic activities,  
3 including the stationing of Japanese troops in  
4 Chinese territory.)"

5 THE PRESIDENT: This is a convenient break,  
6 Mr. Keenan. We will recess now for fifteen minutes.

7 (Whereupon, at 1445, a recess was  
8 taken until 1500, after which the proceedings  
9 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now  
2 resumed.

3 THE PRESIDENT: Mr. Chief of Counsel.

4 MR. KEENAN: (Reading)

5 "IV. Commerce between both nations.

6 "When official approbation to the present  
7 understanding has been given by both governments,  
8 the United States and Japan shall assure each  
9 other mutually to supply such commodities as are,  
10 respectively, available and required by either of  
11 them. Both Governments further consent to take  
12 necessary steps to resume normal trade relations  
13 as formerly established under the Treaty of Commerce  
14 and Navigation between the United States and Japan.  
15 If a new commercial treaty is desired by both  
16 Governments, it would be negotiated as soon as  
17 possible and be concluded in accordance with usual  
18 procedures.

19 "V. Economic activity of both nations  
20 in the Pacific area.

21 "On the basis of mutual pledges hereby  
22 given that Japanese activity and American activity  
23 in the Pacific area shall be carried on by peaceful  
24 means and in conformity with the principle of non-  
25 discrimination in international commercial relations,

1 the Japanese Government and the Government of the  
2 United States agree to cooperate each with the other  
3 toward obtaining non-discriminatory access by Japan  
4 and by the United States to commercial supplies of  
5 natural resources (such as oil, rubber, tin,  
6 nickel) which each country needs for the safe-  
7 guarding and development of its own economy.

8 "VI. The policies of both nations affecting  
9 political stabilization in the Pacific area.

10 "The Japanese Government and the Government  
11 of the United States declare that the controlling  
12 policy underlying this understanding is peace in  
13 the Pacific area; that it is their fundamental  
14 purpose, through cooperative effort, to contribute  
15 to the maintenance and the preservation of peace  
16 in the Pacific area; and that neither has territorial  
17 designs in the area mentioned.

18 "VII. Neutralization of the Philippine  
19 Islands.

20 "The Government of Japan declares its  
21 willingness to enter at such time as the Government  
22 of the United States may desire into negotiation  
23 with the Government of the United States with a  
24 view to the conclusion of a treaty for the neutrali-  
25 zation of the Philippine Islands, when Philippine



1 independence shall have been achieved."

2 The following annex is a part of the  
3 document as delivered.

4 "ANNEX AND SUPPLEMENT ON THE PART OF THE  
5 JAPANESE GOVERNMENT

6 "III. Action toward a peaceful settlement  
7 between China and Japan.

8 "The basic terms as referred to in the  
9 above section are as follows:

10 "1. Neighborly friendship.

11 "2. (Cooperative defense against injurious  
12 communistic activities--including the stationing of  
13 Japanese troops in Chinese territory.) Subject to  
14 further discussion.

15 "3. Economic cooperation -- by which China  
16 and Japan will proceed on the basis of non-discrimi-  
17 nation in international commercial relations.

18 "4. Mutual respect of sovereignty and  
19 territories.

20 "5. Mutual respect for the inherent  
21 characteristics of each nation cooperating as  
22 good neighbors and forming a Far Eastern nucleus  
23 contributing to world peace.

24 "6. Withdrawal of Japanese military and  
25 naval forces from Chinese territory and Chinese



1 waters as promptly as possible and in accordance  
2 with an agreement to be concluded between Japan and  
3 China.

4 "7. No annexation.

5 "8. No indemnities.

6 "9. Amicable negotiation in regard to  
7 Manchukuo."  
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1           If the Court please, I would like to offer  
2 with its permission an explanation that it is -- we  
3 believe it will be obvious from the foregoing and  
4 subsequent documents that we were requested by the  
5 Japanese to state -- the United States, to state its  
6 views with reference to the European War, and this  
7 was compliance with that request.

8           We offer in evidence IPS document 220-C(30)  
9 from exhibit 58 for identification, Volume II. This  
10 is American statement handed to Ambassador NOMURA,  
11 May 31, 1941.

12           THE PRESIDENT: Admitted on the usual terms.

13           CLERK OF THE COURT: Prosecution's document  
14 No. 220-C(30) will receive exhibit No. 1079.

15           (Whereupon, the document above  
16 referred to was marked prosecution's exhibit  
17 No. 1079, and was received in evidence.)

18           MR. KEENAN: May I be permitted to state to  
19 the Court that this document relates to the last read  
20 and it is an oral explanation, as it so states.

21           I call the Court's attention respectfully,  
22 at this time, to our previous exhibit 1070, dated  
23 May 12, 1941.

24           (Reading) "American Statement Handed to the  
25 Japanese Ambassador (NOMURA) on May 31, 1941.

1 "May 31, 1941. Unofficial, Exploratory and  
2 Without Commitment.

3 "Oral Explanation for Suggested Amendments  
4 to the Japanese Draft."

5 The draft referred to, I believe, is the  
6 exhibit that I just called the Court's attention to.

7 "Introductory Statement."

8 "A few minor changes have been made in  
9 phraseology with a view to clarifying the meaning.

10 "In the list of points enumerated on page  
11 two of the Japanese draft, the title of Section III  
12 has been altered to conform more accurately to the  
13 subject matter, the word 'Southwestern' has been omit-  
14 ted from point numbered five and, in view of the new  
15 subject matter under point Six (for explanation see  
16 infra), part of the subject matter under point six  
17 in the Japanese draft has been incorporated in an addi-  
18 tional section, the title of which is therefore listed,  
19 and part of the subject matter in Section VI of the  
20 Japanese draft has been omitted (for explanation see  
21 infra).

22 "I. The concepts of the United States and  
23 of Japan respecting international relations and the  
24 character of nations.  
25

"The first paragraph has been omitted inas-

1 much as the statement of fact is a self-evident one.

2 "In the third paragraph of the Japanese  
3 draft there has been substituted for the word 'backward'  
4 the word 'other' in order to maintain consistency with  
5 principles relating to equality of races and peoples.

6 "II. The attitudes of both Governments toward  
7 the European war.

8 "The first paragraph of the Japanese draft  
9 has been omitted in order to avoid any implication of  
10 inconsistency with statements made by the President to  
11 the effect that the present is not an opportune time  
12 for the American Government to endeavor to bring about  
13 peace in Europe.

14 "To the second paragraph of the Japanese draft  
15 a new sentence has been added to emphasize the aspect  
16 of self-defense.

17 "The third paragraph has been omitted inas-  
18 much as the text of the Tripartite Pact has been pub-  
19 lished and no purpose would appear to be served by  
20 express reference to any of its provisions.

21 "The fourth paragraph of the Japanese draft  
22 has been revised to emphasize the protective and self-  
23 defense character of the attitude of the United States  
24 toward the European hostilities.

25 "A statement in the Annex and Supplement on



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1 the part of the Government of the United States con-  
2 tains an elaboration of this Government's viewpoint  
3 toward the military movement of conquest inaugurated  
4 by Chancellor Hitler.

5 "III. Action toward a peaceful settlement  
6 between China and Japan.

7 "As laready stated, the title has been alter-  
8 ed to describe more accurately the contents.

9 "The statement in the Japanese draft has been  
10 rewritten to keep the underlying purport and at the  
11 same time to avert raising questions which do not seem  
12 fundamental to the basic subject and which are contro-  
13 versial in character and might present serious diffi-  
14 culties from the point of view of the United States.

15 "The statement in the Japanese Annex and Sup-  
16 plement in regard to this section has also been re-  
17 vised in a few particulars in conformity with the con-  
18 siderations mentioned in the preceding paragraph. In  
19 addition, point numbered three in regard to economic  
20 cooperation has been rephrased so as to make it clear  
21 that China and Japan intend to follow in their economic  
22 relations the principle of nondiscrimination in inter-  
23 national commercial relations, a principle to which it  
24 is understood the Japanese Government and the Chinese  
25 Government have long subscribed and which principle

1 forms the foundation of the commercial policy of the  
2 United States. As it is assumed that the term  
3 'troops' in point numbered six is meant to include  
4 all armed forces, the language of this point has been  
5 slightly rephrased to avoid possible ambiguity.

6 "As already stated, the question relating  
7 to communistic activities, including the stationing  
8 of Japanese troops in Chinese territory, is subject  
9 to further discussion.

10 "IV. Commerce between both nations.

11 "A statement is included in the Annex and  
12 Supplement on the part of the United States clarifying  
13 the point that as a temporary measure during the present  
14 international emergency it is understood that each  
15 country may restrict export of commodities which it  
16 needs for its own purposes of security and self-defense.

17 "V. Economic activity of both nations in  
18 the Pacific area.

19 "The language of this section has been re-  
20 phrased to make the provisions thereof applicable  
21 equally to the United States and to Japan.

22 "VI. The policies of both nations effecting  
23 political stabilization in the Pacific area.

24 "This section has been revised to make it  
25 consist of a clear-out statement of the fundamental

1 purpose of the understanding. The thought in mind is  
2 to give emphasis to this purpose so that the document  
3 may speak for itself on this all-important subject.

4 "The statement of fundamental purpose has  
5 been assigned a section by itself in order that it  
6 may gain added emphasis.

7 "The statement in the Japanese draft in re-  
8 gard to the Philippine Islands has been dealt with in  
9 a new section bearing number VII.

10 "The statement in regard to Japanese immi-  
11 gration has been omitted in view of the established  
12 position of the United States that the question of  
13 immigration is a domestic matter. For that reason, to  
14 attempt to include a statement on this subject would  
15 stand in the way of the underlying purposes of the  
16 agreement.

17 "VII. Neutralization of the Philippine  
18 Islands.

19 "The phraseology of this section has been  
20 altered so as to bring it into conformity with the  
21 language of the Tydings-McDuffie Act, approved March  
22 24, 1934.

23 "Addendum

24 "In view of the traditional policy of the  
25 United States and various practical considerations



1 in the United States, important difficulties would  
 2 be presented should the Government of the United States  
 3 endeavor to keep secret the understanding under refer-  
 4 ence together with its annexes. This Government could  
 5 probably arrange to keep the understanding secret for  
 6 a period of a few weeks, during which time it believes  
 7 that the two Governments should work out procedures  
 8 covering the scope, character and timing of the announce-  
 9 ment of the understanding and of at least the definite  
 10 substance thereof.

11 "Foreign Relations II, pp. 451-454."

"(Annex 2)

"ANNEX AND SUPPLEMENT ON THE PART OF THE GOVERNMENT  
OF THE UNITED STATES

"II. The attitudes of both Governments toward the  
European war.

"The position of the Government of the  
United States toward the military movement of con-  
quest inaugurated by Mr. Hitler is set forth in a  
public address made by the Secretary of State on  
April 24, 1941. Some extracts which are directly  
in point and which are basic in relation to the en-  
tire situation are as follows:

"...As waged by them (the aggressor powers  
this is not an ordinary war. It is a war of  
assault by these would-be conquerors, employ-  
ing every method of barbarism, upon nations  
which cling to their right to live in freedom  
and which are resisting in self-defense.....  
Such is the movement which is extending  
rapidly throughout the world.

"If experience shows anything, it shows  
that no nation anywhere has the slightest  
reason to feel that it will be exempted from  
attack by the invader, any more than, in a  
town overrun by bandits, the wealthiest citi-  
zen might expect to be free from attack."

1           "Every thinking man can answer the ques-  
2           tion for himself by simply calling the roll of  
3           the wretched victims of world aggression who  
4           are now in a condition of semi-slavery, and  
5           whose every hope of again enjoying the bless-  
6           ings of civilization depends only on the defeat  
7           or failure of the movement of conquest. So it  
8           is in Austria, Czechoslovakia, Poland, Norway,  
9           Denmark, Holland, Belgium, Albania, Luxemburg,  
10          France, Rumania, Hungary, Bulgaria, Yugoslavia."

11           I hear the question being propounded by a  
12          counsel as to what this has to do with it. I want  
13          to make it clear that this is a part of the state-  
14          ment that was handed to the Japanese Ambassador. It  
15          is an integral part of the document.

16           "The conclusion is plain. Now, after  
17          some fifteen nations have lost everything that makes  
18          life worth living, it is high time that the remain-  
19          ing free countries should arm to the fullest extent  
20          and in the briefest time humanly possible and set  
21          for their self-preservation.

22           "Events have shown beyond possible ques-  
23          tion that the safety of this hemisphere and of this  
24          country calls for resistance wherever resistance will  
25          be most effective...This policy means, in practical



1 application, that...aid must reach its destina-  
2 tion in the shortest of time and in the maximum  
3 quantity. So--ways must be found to do this.

4 "...Those nations that are making resis-  
5 tance are primarily seeking to save themselves,  
6 their homes and their liberties. Great Britain  
7 for instance is acting primarily for her own  
8 safety. The United States both in its direct  
9 defense effort and in the aid which it extends  
10 to the resisting nations is likewise acting  
11 primarily for its own safety. As safety for  
12 the nations that are offering resistance means  
13 security for us, aid to them is an essential  
14 part of our own defense. Every new conquest  
15 makes available to the aggressor greater re-  
16 sources for use against the remaining free  
17 peoples. Our aid to the resisting nations is  
18 not the mere crusading of a world benefactor.  
19 It is based on the definite knowledge that every  
20 free nation anywhere is a bastion of strength  
21 to all the remaining free peoples everywhere.

22 "...Those Americans who, in effect, are  
23 saying that a British defeat would not matter  
24 to us, signally overlook the fact that the re-  
25 sulting delivery of the high seas to the invader  
would create colossal danger to our own national



1 defense and security. The breadth of the sea  
2 may give us a little time. It does not give us  
3 safety. Safety can only come from our ability,  
4 in conjunction with other peace-loving nations,  
5 to prevent any aggressor from attaining control  
6 of the high seas.

7 "Some among us, doubtless with the best  
8 of intentions, still contend that our country  
9 need not resist until armed forces of an in-  
10 vader shall have crossed the boundary line of  
11 this hemisphere. But this merely means that  
12 there would be no resistance by the hemisphere,  
13 including the United States, until the invading  
14 countries had acquired complete control of the  
15 other four continents and of the high seas,  
16 and thus had obtained every possible strategic  
17 advantage, reducing us to the corresponding  
18 disadvantage of a severely handicapped defense.  
19 This is an utterly shortsighted and extremely  
20 dangerous view.'

21 "The foregoing statements make it clear  
22 that the attitude of the Government of the United  
23 States is one of resolve to take measures of self-  
24 defense in resistance to a movement, which, as has  
25 been made unequivocally clear by the acts and utter-  
ances of Hitler, is directed to world conquest by

1 force from which no country and no area are excepted.  
2 This attitude is based upon a most fundamental con-  
3 sideration--that of the inalienable right of self-  
4 defense. The only other attitude this Government  
5 could assume would be the suicidal attitude of some  
6 fifteen countries in Europe which also were told,  
7 as our country is being told, that they would not  
8 be molested but that if they should undertake to  
9 resist beyond their own boundaries they would be  
10 charged with being aggressors and with having as-  
11 sumed the offensive. A similar course by this  
12 nation from the standpoint of effective defense  
13 against the Hitler movement of world conquest would  
14 be absurd, futile and suicidal from the standpoint  
15 of reasonable precautions for its safety.

16 "In the light of the existing situation,  
17 Hitler is the one person who can promptly remove  
18 the necessity for efforts at effective self-defense  
19 by this country and other countries similarly situa-  
20 ted, whereas for any other nation to request that  
21 the United States desist from any such resistance  
22 would in its actual effect range the country making  
23 such request on the side of Hitler and his movement  
24 of aggression by force. Hitler is therefore the  
25 person who should be addressed in support of peace,  
rather than those whom he is attacking for the pur-

1 pose of bringing about their complete subjugation  
2 without color of law, or of right, or of humanity.

3 "Yes, it makes a difference who wins--  
4 the difference whether we stand with our backs  
5 to the wall with the other four continents  
6 against us and the high seas lost, alone de-  
7 fending the last free territories on earth--  
8 or whether we keep our place in an orderly  
9 world.'

10 "Foreign Relations II, pp.  
11 446-451."  
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1           We offer in evidence with the permission of  
2 the Court, IPS document 220-C(31) from exhibit for  
3 identification 58, Volume II. This is an informal,  
4 oral statement handed to NOMURA by Secretary of State,  
5 31 May 1941.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLERK OF THE COURT: Prosecution's document  
8 No. 220-C(31) will receive exhibit No. 1080.

9           (Whereupon, the document above  
10 referred to was marked prosecution's exhibit  
11 No. 1080, and was received in evidence.)

12          MR. KEENAN: (Reading) "American Informal and  
13 Unofficial Oral Statement Handed to the Japanese  
14 Ambassador (NOMURA) on May 31, 1941.

15          "The Government of the United States will at  
16 some appropriate stage prior to any definitive discus-  
17 sion talk over in strict confidence with the Chinese  
18 Government the general subject matter involved in the  
19 discussions, especially as it relates to China.

20          "Foreign Relations, II, page 454."

21          We offer in evidence IPS document 220-C(32)  
22 from exhibit for identification 58, Volume II, which  
23 is an excerpt from memorandum of Secretary of State  
24 Hull, dated June 2, 1941.

25          THE PRESIDENT: Admitted on the usual terms.



CLERK OF THE COURT: Prosecution's document  
No. 220-C(32) will receive exhibit No. 1081.

(Whereupon, the document above  
referred to was marked prosecution's exhibit  
No. 1081, and was received in evidence.)

MR. KEENAN: (Reading)

"MEMORANDUM BY THE SECRETARY OF STATE

"Excerpts

"June 2, 1941.

"The Ambassador of Japan came to my hotel  
apartment at his request.

"I then very slowly and deliberately asked  
the Ambassador whether it was his considered judgment  
that his Government seriously and earnestly desired  
to enter into a settlement, for peace and non-  
discriminatory commercial relations and friendship  
generally in the Pacific area. He promptly replied  
that that was his judgment. I remarked that, in the  
light of the loud statements which MATSUOKA and others  
were daily making, the question which I propounded  
was sharply raised, and that one was forced back to  
the inquiry of whether Japan really is seeking this  
sort of settlement, or whether she is only seeking  
a way to get out of China, to the principles which would  
have to underlie a settlement establishing peace"--

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1 THE PRESIDENT: You left a line out.

2 MR. KEENAN: (Continuing)

3 --"seeking a way to get out of China,  
4 and otherwise to go forward with methods and practices  
5 entirely contrary to the principles which would have  
6 to underlie a settlement establishing peace, non-  
7 discriminatory commerce and fair friendly relations  
8 in the Pacific area. The Ambassador reiterated his  
9 view that an earnest and fair settlement was desired.

10 "Foreign Relations II, pp. 454-455"

11 THE PRESIDENT: A line was omitted.

12 MR. KEENAN: I read it into evidence after  
13 the Court corrected me. Which line is it?

14 THE PRESIDENT: I am not asking it to be  
15 corrected twice, Mr. Chief of Counsel. Apparently  
16 you did read the line.

17 MR. KEENAN: Thank you. I am grateful  
18 to the Court for calling my attention to the omission.

19 We offer in evidence IPS document No. 219P-76  
20 from exhibit for identification 58, Volume I. This is  
21 an excerpt of a statement from Mr. Grew to MATSUOKA,  
22 dated 4 June 1941.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document  
25 No. 219P-76 will receive exhibit No. 1082.

1 (Whereupon, the document above  
2 referred to was marked prosecution's exhibit  
3 No. 1082 and received in evidence.)

4 MR. KEENAN: (Reading)

5 "THE AMERICAN AMBASSADOR IN JAPAN (GREW)  
6 TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (MATSUOKA)

7 "No. 1817

8 "TOKYO, June 4, 1941

9 "EXCELLENCY: With reference to my note to  
10 Your Excellency No. 1803 of May 22, 1941, concerning  
11 damage inflicted on properties of the Methodist  
12 Episcopal Mission at Chungking by Japanese aircraft  
13 on May 9 and May 10, 1941, I have the honor to inform  
14 Your Excellency that properties of the same Mission  
15 at Chungking were again seriously damaged by Japanese  
16 aerial bombardment on June 1, 1941.

17 "According to information received from the  
18 American Embassy at Chungking, a section of the  
19 hospital of the Mission at Tai Chishang, in the center  
20 of the city, was badly damaged by a direct hit. A  
21 second bomb damaged the compound wall, and the home  
22 of an American missionary received damage from stones  
23 through the roof. This property has been damaged on  
24 at least four previous occasions.

25 "In addition, the newly built Lewis Memorial

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1 Institutional Church of the same Mission, located  
2 at a distance of about seven hundred yards from the  
3 hospital mentioned above, was completely wrecked by  
4 a direct hit. This property has likewise been  
5 damaged on at least four previous occasions.

6 "Foreign Relations I, p, 714"

7 Prosecution offers in evidence IPS document  
8 220C-33 taken from exhibit for identification 58,  
9 Volume II. This is an excerpt from memo. of a conversa-  
10 tion between Secretary of State and Japanese Ambassador,  
11 dated June 4, 1941.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document  
14 No. 220C-33 will receive exhibit No. 1083.

15 (Whereupon, the document above  
16 referred to was marked prosecution's exhibit  
17 No. 1083 and received in evidence.)  
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1 MR. HARDIN: (Reading)

2 "MEMORANDUM OF A CONVERSATION

3 "(Washington) June 4, 1941

4 "ANNEX AND SUPPLEMENT ON THE PART OF THE GOVERNMENT  
5 OF THE UNITED STATES

6 "II. The Attitudes of both Governments toward the  
7 European war.

8 "The Government of the United States de-  
9 clares that, so far as its attitude toward the  
10 European war is concerned, it does not and will  
11 not resort to any aggression aimed to assist any  
12 one nation against another.

13 "Colonel IMAKURO said that the Japanese  
14 would be quite prepared to drop the foregoing sug-  
15 gestion if we on our part would be prepared to drop  
16 our proposed sentence in the first paragraph reading,  
17 'Obviously, the provisions of the Pact do not apply  
18 to involvement through acts of self-defense.'

19 "Mr. TAKASUGI said that they desired to  
20 have inserted at the beginning of Section II a new  
21 paragraph reading as follows:

22 "It being the common aim of both  
23 Governments of Japan and the United States to  
24 establish world peace, they will join forces with a  
25 view to preventing the extension of the European war

1 and restoring peace.'

2 "Mr. Hamilton raised for consideration  
3 the question of whether the idea underlying the  
4 proposed paragraph could not be incorporated in  
5 the first section. He pointed out that an express  
6 reference of this kind under Section II, which deals  
7 with the attitude of the two countries to the Euro-  
8 pean war, might be regarded as inconsistent with the  
9 President's declared attitude in regard to the  
10 question of a present American effort to bring about  
11 peace in Europe. He suggested also for consideration  
12 whether it might not serve the purpose desired to  
13 change the word 'our' to 'all' in the first para-  
14 graph of Section I, which in our draft reads as  
15 follows:

16 "Both Governments affirm that their  
17 national policies are directed to (toward) the  
18 foundation of a lasting peace and the inauguration  
19 of a new era of reciprocal confidence and cooperation  
20 among our peoples.'

21 "Mr. WAKASUGI said that they would leave  
22 this point for further consideration and that we  
23 might also consider whether the words could not be  
24 incorporated in some other section or in a section by  
25 itself."

1                   "With reference to Section III, Mr. WAKASUGI  
2 proposed an entirely different formula. The formula  
3 in our draft and the formula he proposed are shown  
4 in parallel columns as follows:

5                   "FORMULA IN OUR DRAFT OF MAY 31

6                   "The Japanese Government having communicated  
7 to the Government of the United States the general  
8 terms within the framework of which the Japanese  
9 Government will propose the negotiation of a peaceful  
10 settlement with the Chinese Government, which terms  
11 are declared by the Japanese Government to be in  
12 harmony with the KONOYE Principles regarding neighborly  
13 friendship and mutual respect of sovereignty and  
14 territories and with the practical application of  
15 those principles, the President of the United States  
16 will suggest to the Government of China that the  
17 Government of China and the Government of Japan enter  
18 into a negotiation on a basis mutually advantageous  
19 and acceptable for a termination of hostilities and  
20 resumption of peaceful relations.

21                   "FORMULA PROPOSED BY JAPANESE

22                   "The President of the United States will  
23 suggest to the Government of Chiang Kai-shek that it  
24 will enter as soon as possible into a negotiation with  
25 Japan on the basis of the KONOYE three principles and



1 the practical application of these principles for a  
2 termination of hostilities and the resumption of  
3 peaceful relations.

4 "The reason adduced by Mr. WAKASUGI for  
5 this change was that it was desired to avoid giving  
6 any impression to the Japanese people that there was  
7 involved any question of an American mediation between  
8 China and Japan.

9 "The Japanese then offered an alternative  
10 formula, concerning which they wished to make reser-  
11 vations on minor points, reading as follows:

12 "'The Government of Japan having announced  
13 the general terms within the framework of which the  
14 Government of Japan will propose the negotiation of  
15 a peaceful settlement of the China conflict, which  
16 terms are declared by the Government of Japan to be  
17 in harmony with the KONOYE principles and with the  
18 practical application of those principles, the Pres-  
19 ident of the United States, relying upon the policy  
20 of neighborly friendship with China, will suggest to  
21 the Chinese Government at Chungking that that Govern-  
22 ment and the Government of Japan enter into a negotia-  
23 tion for a termination of hostilities and resumption  
24 of peaceful relations.'

25 "Mr. Hamilton then asked Colonel IWAKURO



whether it was his conception that upon the conclusion of this agreement it would be the Wang Ching-wei regime or the Government at Chungking which would constitute the Government of China.

"Colonel IWAKURO said that the Japanese now recognized the Wang Ching-Wei regime as the Government of China and regarded the Government at Chungking as a local regime. The proposed understanding contemplated negotiations by the Japanese Government with Chungking. As regards the outcome of the negotiations, there were three possibilities, which he charted on a piece of paper, attached:

- (a) that the Chungking Government might become absorbed into the Nanking Government of Wang Ching-Wei,
- (b) that the Nanking Government of Wang Ching-Wei might become absorbed into the Chungking Government,
- and (c) that both the Nanking Government and the Chungking Government might be coalesced into a new government. The Japanese Government proposed to leave this matter to be decided by the Chinese themselves.

"Mr. WAKASUGI then offered an amended annex on the part of the Japanese Government in connection with Section III. The formulae in the draft of May 31 and in the Japanese redraft are shown in parallel columns:

"FORMULA IN OUR DRAFT OF MAY 31

"The basic terms as referred to in the above section are as follows:

"1. Neighborly friendship.

"2. (Cooperative defense against injurious communistic activities--including the stationing of Japanese troops in Chinese territory.) Subject to further discussion.

"3. Economic cooperation--by which China and Japan will proceed on the basis of non-discrimination in international commercial relations.

"4. Mutual respect of sovereignty and territories.

"5. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming a Far Eastern nucleus contributing to world peace.

"6. Withdrawal of Japanese military and naval forces from Chinese territory and Chinese waters as promptly as possible and in accordance with an agreement to be concluded between Japan and China.

"7. No annexation.

"8. No indemnities.

"9. Amicable negotiation in regard to 'Manchoukuo.'



"FORMULA PROPOSED BY JAPANESE

"The basic terms as implied in the KONOYE three principles and the practical application of those principles are as follows:

"1. Neighborly friendship.

"2. Cooperative defense against communistic activities--including the stationing of Japanese troops in the Inner Mongolia and certain areas of the North China.

"3. Economic cooperation.

"4. Mutual respect of sovereignty and territories.

"5. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming an Eastern Asia nucleus contributing to world peace.

"6. Withdrawal of Japanese troops from Chinese territory in accordance with agreement between Japan and China.

"7. No annexation.

"8. No indemnities.

"9. Recognition of 'Menchoukuo.'

"Mr. TAKASUGI explained that, with reference to caption three of the foregoing annex, the Japanese did not wish to expand the wording in the

1 caption beyond the mere statement 'economic coopera-  
2 tion,' as they wished to leave the matter to be  
3 dealt with by negotiations between Japan and China.  
4 Mr. Hamilton observed that in the Japanese Oral  
5 Explanation of May 12 this point had been expanded  
6 by the statement 'by which Japan does not intend to  
7 exercise economic monopoly in China nor to demand of  
8 China a limitation in the interests of Third powers and  
9 that we had substituted the phraseology 'by which China  
10 and Japan will proceed on the basis of non-discrimina-  
11 tion in international commercial relations' in the  
12 interest of clarity. Mr. Hamilton here emphasized  
13 the importance which this Government attached to the  
14 application of the principle of non-discrimination in  
15 international commercial relations.

16 "Mr. Hamilton noted that in caption six  
17 where we had suggested the wording 'military and  
18 naval forces' the Japanese in their new draft had  
19 restored the term 'troops.' He asked whether it was  
20 not intended by Japan to withdraw their naval forces.  
21 Colonel IWAKURO said that in normal international  
22 intercourse war vessels visited ports of other countries,  
23 and, moreover, at Shanghai foreign powers, including  
24 the United States, normally maintained marines or  
25 corresponding naval units. They had used the English



1 word 'troops' as translation of the Japanese term  
2 'guntai' which was not restricted to army forces.  
3 He said that it was Japan's clear intention to  
4 withdraw all armed forces whether of the army or  
5 the navy engaged in the present hostilities, and he  
6 had no objection to the use of the term 'armed  
7 forces' if that would cover better what was meant.  
8 He added that it was his understanding that 'Chinese  
9 Territory' included Chinese territorial waters.

10 "Mr. Hamilton said that we would take note  
11 of all the points made in connection with Section III  
12 and the annex pertaining thereto.

13 "Mr. WAKASUGI said that the Japanese had  
14 no changes to offer with respect to the text of  
15 Section IV, but that they desired the withdrawal of  
16 our annex relating to restrictions upon trade during  
17 the present international emergency. He stated that  
18 such an annex would weaken the force of the stipula-  
19 tion in Section IV. He said that they thought that  
20 the word 'available' in Section IV would cover what  
21 we had in mind. Mr. Hamilton said that we would make  
22 note of the point.

23 "Mr. WAKASUGI said that they wished to offer  
24 an alternative wording for Section V. The formulae  
25 of our draft of May 31 and of the Japanese alternative

1 draft are shown in parallel columns, as follows:

2 "FORMULA IN OUR DRAFT OF MAY 31

3 "V. Economic activity of both nations  
4 in the Pacific area.

5 "On the basis of mutual pledges hereby  
6 given that Japanese activity and American activity  
7 in the Pacific area shall be carried on by peaceful  
8 means and in conformity with the principle of non-  
9 discrimination in international commercial relations,  
10 the Japanese Government and the Government of the  
11 United States agree to cooperate each with the  
12 other toward obtaining non-discriminatory access by  
13 Japan and by the United States to commercial supplies  
14 of natural resources (such as oil, rubber, tin,  
15 nickel,) which each country needs for the safeguarding  
16 and development of its own economy.

17 "FORMULA PROPOSED BY JAPANESE

18 "V. Economic activity of both nations in  
19 the Southwestern Pacific area.

20 "Noting that Japanese expansion in the  
21 direction of the Southwestern Pacific area is declared  
22 to be of peaceful nature. American cooperation and  
23 support shall be given in the production and procure-  
24 ment of natural resources (such as oil, rubber, tin,  
25 nickel) which Japan needs."



1 "Asked what were the reasons for the  
2 proposed changes, Colonel IWAKURO explained that  
3 Japan had no suspicion that the United States would  
4 engage in activities other than peaceful in the  
5 Southwest Pacific area, and he felt that the United  
6 States should accept Japanese declarations in regard  
7 to the peaceful character of their aims. The reason  
8 for restricting the application of this section to  
9 the Southwestern Pacific area, which we had broadened  
10 to include the whole Pacific area, was that it was  
11 the Japanese desire to devote this section specifically  
12 to the Southwestern Pacific area on account of the  
13 special interest which the Japanese people had  
14 developed therein.

15 "He pointed out that Section VI covered  
16 the whole Pacific area. Mr. Hamilton raised the  
17 question whether the pledge in regard to peace might  
18 be incorporated in Section VI, retaining, however,  
19 in Section V a statement pledging both countries to  
20 the application of non-discrimination in international  
21 commercial relations. He emphasized the importance  
22 which this Government attached to such statements.  
23 He pointed out in reference to commercial relations  
24 that in an earlier draft we had proposed the wording  
25 'on the basis of equality of opportunity'; that the

1 Japanese had objected to that phraseology on the  
2 ground that Japanese had no clear concept of the  
3 implications of the term; and that, as we had been  
4 given to understand that the Japanese would not object  
5 if we used phraseology contained in a recent speech  
6 by the Secretary, we had in our draft of May 31  
7 substituted such phraseology. Mr. Hamilton said that  
8 we would make note of the question of a possible  
9 change in the draft.

10 "With reference to Section VI, Mr. WAKASUGI  
11 offered an alternate draft, which includes an addi-  
12 tional paragraph. The formulae of our draft of May 31  
13 and of the Japanese alternative draft are shown in  
14 parallel columns, as follows:

15 "FORMULA IN OUR DRAFT OF MAY 31

16 "The Japanese Government and the Government  
17 of the United States declare that the controlling  
18 policy underlying this understanding is peace in the  
19 Pacific area; that it is their fundamental purpose,  
20 through cooperative effort, to contribute to the  
21 maintenance and the preservation of peace in the  
22 Pacific area; and that neither has territorial designs  
23 in the area mentioned.

24 "FORMULA PROPOSED BY JAPANESE

25 "The Japanese Government and the Government



1 of the United States declare that it is their  
2 fundamental purpose, through cooperative effort,  
3 to contribute to the maintenance and the preservation  
4 of peace in the Pacific area; and that neither has  
5 territorial designs in the area mentioned.

6 "The Government of Japan declares that it  
7 has no intention to establish military bases within  
8 the area of the Western Hemisphere nor to entertain  
9 any political designs therein. Similarly, the  
10 Government of the United States declares that it has  
11 no intention to establish military bases in East  
12 Asia or in the Southwestern Pacific area; nor to  
13 entertain any political designs therein. The Govern-  
14 ment of Japan and the United States mutually recognize  
15 the defensive position each maintains respectively in  
16 the East Asia area and in the Western Hemisphere.

17 "Their objections to the wording of our  
18 draft were that they thought the phraseology somewhat  
19 redundant and that they did not understand what we  
20 meant by the word 'controlling'. They indicated a  
21 willingness to accept the word 'basic' for 'controlling'  
22 after Mr. Hamilton had endeavored to explain. There  
23 was no discussion of the second paragraph other than  
24 a statement by the Japanese that they would be willing  
25 to have the contents embodied in an annex. Mr. Hamilton

1 said that we would take note of the proposal.

2 "Mr. TAKASUGI said that they desired to  
3 offer no changes with respect to Section VII, but  
4 they desired the inclusion of an annex on the part  
5 of the Government of Japan reading as follows:

6 "ANNEX AND SUPPLEMENT ON THE PART OF  
7 THE JAPANESE GOVERNMENT

8 "VII. Neutralization of the Philippine Islands.

9 "The Government of the United States will  
10 accord in the Philippine Islands to the Japanese  
11 subjects a non-discriminatory treatment.

12 "Mr. MATSUDAIRA said that what they had  
13 in mind in this point was to provide for non-discrim-  
14 ination in matters both of Japanese immigration and  
15 establishment. Mr. Hamilton observed that the quota  
16 system in the Philippine Immigration Law was on a  
17 non-discriminatory basis. Mr. MATSUDAIRA admitted  
18 this, but indicated a desire for a larger quota.

19 "There was no further discussion. Mr.  
20 Hamilton said that we would report to the Secretary  
21 and it was agreed that Mr. MATSUDAIRA and Mr. Ballan-  
22 tine would keep in touch as to the next step.

23 "Foreign Relations II, pp. 458-464."

24 We offer in evidence IPS document No.  
25 16327 (51), which is an entry in KIDO's Diary of



1 June 6, 1941.

2 THE PRESIDENT: Admitted on the usual  
3 terms.

4 CLERK OF THE COURT: Prosecution's docu-  
5 ment No. 16327 (51) will receive exhibit No. 1084.

6 (Whereupon, the document above  
7 referred to was marked prosecution's exhibit  
8 No. 1084 and received in evidence.)

9 MR. HARDIN: (Reading)

10 "Extract from Entry from Marquis KIDO's  
11 Diary, 6 June 1941.

12 "At 9:00 a.m. Prince KONOYE telephoned  
13 me to say that Ambassador OSHIMA had an interview  
14 with Hitler at Berchtesgaden and that Germany had at  
15 last decided to attack Russia. Hitler had intimated  
16 his desire for Japan's participation in this war  
17 against Russia, though he did not say so. Prince  
18 KONOYE also said that the Liaison Conference in  
19 this connection would be held this morning, and he  
20 asked me to report this fact to the Throne. I pro-  
21 ceeded to the Palace in response to a summons from  
22 His Majesty, and was received in audience from 10:20  
23 a.m. to 11:05 a.m. His Majesty discussed at full  
24 length the matter mentioned above during the whole  
25 period. I had a talk with the Chief Aid-de-Camp at

1 11:10 a.m. and asked him to keep in close touch with  
2 me with regard to the same. Premier KONOYE made  
3 Mr. HOSOKAWA, Secretary to the Premier, bring the  
4 telegram of Ambassador OSHIMA to me, and he asked me  
5 to study it. I read it and returned it. I was  
6 granted an audience with the Emperor from 1:10 p.m.  
7 to 1:30 p.m. to report on the substance of the  
8 telegram. Foreign Minister MATSUOKA proceeded to  
9 the Palace, and was received in audience by the  
10 Emperor to report on the recognition of Croatia and  
11 on the telegram from Ambassador OSHIMA. Foreign  
12 Minister MATSUOKA intimated to me his opinion as to  
13 the future outlook of the relations between the  
14 Soviet and Germany. According to his opinion as  
15 regards the German-Soviet relations, the conclusion  
16 of an agreement was sixty percent possible and the out-  
17 break of war forty percent in spite of Ambassador  
18 OSHIMA's observations. I had a visit from MITSUDAIRA,  
19 Minister of the Imperial Household Department at 2:10  
20 p.m., and he informed me of such matters as the visit  
21 to Japan of Wang Ching-wei and the circumstances  
22 concerning the change of the Lord Chamberlain. At three  
23 in the afternoon the Chief Aide-de-Camp informed me  
24 of the opinion of the War Minister concerning relations  
25 between the Soviet and Germany, which confirmed the



1 opinion of the Foreign Minister, which was that  
 2 the outbreak of war was not so imminent as Ambassador  
 3 OSHIMA expected."

4 Secretary of State Bull to AMEMB, June 5, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK TO THE COURT: Prosecution's document  
 7 No. 2200-34 will receive exhibit No. 1085.

8 Whereupon, the document above

9 referred to was marked prosecution's exhibit  
 10 No. 1085 and received in evidence.

11 MR. HARRIS: (Reading)

12 "INFORMAL AND UNOFFICIAL ORAL STATEMENT  
 13 ISSUED BY THE SECRETARY OF STATE TO THE JAPANESE  
 14 AMBASSADOR (OSHIMA) ON JUNE 5, 1941

15 "Excerpts

16 "From such study as it has so far been  
 17 possible to make of the revisions which the associates  
 18 of the Japanese Ambassador offered on June 4 it is  
 19 disappointing to note a vast difference between the  
 20 proposal as it now stands with these revisions and the  
 21 original document on which earlier discussions were  
 22 based. The successive Japanese revisions appear to  
 23 have gradually narrowed down the extent of the advances  
 24 in the direction of a liberal policy and to have  
 25 carried the proposal away from the fundamental attitude

1 We tender in evidence IPS document 220C-34  
2 from exhibit for identification 58, Volume II.

3 This is excerpt of informal statement handed by  
4 Secretary of State Hull to NOMURA, June 6, 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document  
7 No. 220C-34 will receive exhibit No. 1085.

8 (Whereupon, the document above  
9 referred to was marked prosecution's exhibit  
10 No. 1085 and received in evidence.)

11 MR. HARDIN: (Reading)

12 "INFORMAL AND UNOFFICIAL ORAL STATEMENT  
13 HANDED BY THE SECRETARY OF STATE TO THE JAPANESE  
14 AMBASSADOR (NOMURA) ON JUNE 6, 1941

15 "Excerpts

16 "From such study as it has so far been  
17 possible to make of the revisions which the associates  
18 of the Japanese Ambassador offered on June 4 it is  
19 disappointing to note a vast difference between the  
20 proposal as it now stands with these revisions and the  
21 original document on which earlier discussions were  
22 based. The successive Japanese revisions appear to  
23 have gradually narrowed down the extent of the advances  
24 in the direction of a liberal policy and to have  
25 carried the proposal away from the fundamental points

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1 which the Government of the United States considers  
2 are involved in establishing and preserving peaceful  
3 conditions in the Pacific area. The impression that the  
4 Secretary of State derives from the proposed revisions  
5 as a whole and from recent manifestations of the  
6 Japanese Government's attitude is that they evince  
7 a disposition (1) to stress Japan's alignment with  
8 the Axis, (2) to avoid giving a clear indication of  
9 an intention to place Japan's relations with China  
10 on a basis which in the opinion of the Government of  
11 the United States would contribute to a lasting  
12 peace and thus to future stability in the Far East,  
13 and (3) to veer away from clear-cut commitments in  
14 regard to policies of peace and of non-discriminatory  
15 treatment which are the fundamentals of a sound  
16 basis for peace in the Pacific area. As the Secretary  
17 of State has indicated, this Government has not wished  
18 to take an initiative in commenting upon the merits  
19 of the proposed peace terms between Japan and China;  
20 comment has been offered upon this matter because  
21 under the proposed understanding this Government would  
22 be expected to take some action with regard to these  
23 terms.

24 "Foreign Relations II, pp 467-468"

25 THE PRESIDENT: We will adjourn until



1 half past nine tomorrow morning.

2 (Whereupon, at 1600, an adjournment  
3 was taken until Friday, 8 November 1946, at  
4 0930.) - - - -

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